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THE

ELOQUENCE

OF THE

BRITISH SENATE;

BEING

A SELECTION OF THE BEST SPEECHES

OF

THE MOST DISTINGUISHED

ENGLISH, IRISH, AND SCOTCH

PARLIAMENTARY SPEAKERS,

FROM THE BEGINNING OF THE REIGN OF CHARLES I.

TO THE PRESENT TIME.

WITH NOTES,

BIOGRAPHICAL, CRITICAL, AND EXPLANATORY.

BY WILLIAM HAZLITT.

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Parliamentary Speeches.

KING CHARLES I.

Came to the crown in 1625, and was beheaded in 1648. The following is his speech from the throne on meeting his first parliament. It contains nothing very remarkable, but may serve as a specimen of the style that was in use at the time. The chief subject of the speech is the war with Spain, in which the country was then engaged. There is also an allusion to the plague, which at that time prevailed in London.

King Charles the First's Speech at opening the Session.

My lords spiritual and temporal, and you gentlemen of the house of commons, in this parliament assembled: I may thank God, that the business to be treated on at this time is of such a nature, that it needs no eloquence to set it forth; for I am neither able to do it, nor doth it stand with my nature to spend much time in words. It is no new business, being already happily begun by my father of blessed memory, who is with God, therefore it needeth no narrative: I hope in God you will go on to maintain it, as freely as you advised my father to do it. It is true, he may seem to some to have been slack to

'begin so just and so glorious a work; but it was his wisdom that made him loth to begin a work, until he might find a means to maintain it. But after that he saw how much he was abused in the confidence he had with other states, and was confirmed by your advice to run the course we are in, with your engagement to maintain it, I need not press to prove how willingly he took your advice; for, the preparations that are made are better able to declare it, than I to speak it. The assistance of those in Germany, the fleet that is ready for action, with the rest of the preparations, which I have only followed my father in, do sufficiently prove, that he entered (not superficially, but really and heartily,) into this action.

My lords and gentlemen, I hope that you do remember, that you were pleased to employ me to advise my father to break off those two treaties that were on foot, so that I cannot say that I came hither a free unengaged man. It is true, I came into this business willingly and freely, like a young man, and consequently rashly; but it was by your interest, your engagement: so that though it were done like a young man, yet I cannot repent me of it, and I think none can blame me for it, knowing the love and fidelity you have (ever) borne to your kings; having myself, likewise, some little experience of your affections. I pray you remember, that this being my first action, and begun by your advice and intreaty, what a great dishonour it were (both) to you and me, if this action, so begun, should fail of the assistance you are able to give me. Yet knowing the constancy of your love both to me and the business, I needed not to have said this, but only to show what care and sense I have of your honours and mine own, I must intreat you likewise to consider of the times we are in, how that I must adventure your lives (which I should be loth to do) should I continue you here long; and you must venture the business, if you be slow in your resolutions. Wherefore I hope you will take

such grave (and wise) counsel, as you will expedite what you have in hand to do: which will do me and yourselves an infinite deal of honour; you, in shewing your love to me, and me, that I may perfect that work which my father hath so happily begun.

Last of all, because some malicious men may, and as I hear, have given out, that I am not so true a keeper and maintainer of the true religion that I profess, I assure you, that I may with St. Paul say, that I have been trained up at Gamaliel's feet: and although I shall never be so arrogant as to assume unto myself the rest, I shall so far shew the end of it, that all the world may see, that no man hath been, nor ever shall be, more desirous to maintain the religion I profess than I shall be.

Now because I am unfit for much speaking, I mean to bring up the fashion of my predecessors, to have my lord keeper speak for me in most things: therefore I have commanded him to speak something unto you at this time, which is more for formality than any great matter he hath to say unto you.

SIR EDWARD COKE,

(Lord Chief Justice, and author of the Institutes,)

Was born in 1550, and died in 1634. He was removed from his office, in 1616, and first joined the popular side in parliament in 1621. There is the same quaintness and pithness in the other speeches which are given of this celebrated lawyer, that will be found in the following one. It is a little remarkable, that almost all the abuses of expenditure, and heads of œconomical reform, which were the objects of Mr. Burke's famous bill, are here distinctly enumerated.

Debate on a Motion for the Supply.

Old Sir Edward Coke begins as usual, in this debate, with some Latin sentences:—*Necessitas affectata, in-*

vincibil's, et improvida. The two last, he said, break all laws and orders, and must be supplied; but if their necessities came by wantonness, then no such cause to give. *Neutralitas nec amicos parit, nec inimicos tollit. Commune periculum commune auxilium.* No king can subsist in an honourable estate without three abilities: First, To be able to maintain himself against sudden invasions. Secondly, to aid his allies and confederates. Thirdly, to reward his well-deserving servants. But he urged, there was a leak in the government, of which leak such as these were the causes: frauds in the customs; treaty about the Spanish match; new invented offices, with large fees; old unprofitable offices, which the king might justly take away with law, love of his people, and his own honour; the presidentships of York and Wales; multiplicity of offices in one man; every officer to live on his own office; the king's household out of order; new tables kept there made the leakage the greater; voluntary annuities or pensions, which ought to be stopped till the king was out of debt, and able to pay them. In the 4th of Henry IV. no man was to beg of the king till he was out of debt. Lastly, that all unnecessary charges, costly diet, apparel, buildings, &c. increase still the leakage.

To apply some means for remedy, the multiplicity of forests and parks, now a great charge to the king, might be drawn into a great benefit to him; that understanding officers be employed in the king's house to reduce it to its ancient form, and not with sir Lionel Cranfield to divide a goose; and that his shop-boys be not taken from his shops and placed in the green cloth; that the great offices for the defence of the kingdom be put into the hands of able men that have experience, as admiralty's places, &c. The king's ordinary charge in Edward III.'s time was borne by the king's ordinary revenue. Ireland at that time was also 30,000*l.* a year benefit to the king; but now a great charge to him. To petition the king rather for a *logique* than a *rhetorique*

hand;* a strait than an open one. Move for a committee to put down these, and such other heads as shall be offered.

SIR ROBERT COTTON.

(The famous Antiquary,)

Was born 1570 and died 1631. He was made a baronet by James I. and was one of the opposition party in the time of his successor. The speech which follows was occasioned by some offence taken by the court at the severe reflections cast upon the duke of Buckingham in the house of commons. It is, as one might expect, learned, full of facts and authorities, containing matters which no doubt were thought to be of great weight and moment.

Mr. Speaker,

ALTHOUGH the constant wisdom of this house of commons did well and worthily appear, in censuring

* This mode of expression seems natural enough to any one who was familiar with Cicero's description of the difference between logic and rhetoric, and who knew that most of his hearers either were, or would be thought equally learned. It was a convenient short-hand language to those who were hardly ever accustomed to think or speak but in classical allusions, and which no one could affect to misunderstand without first exposing his own ignorance:— it was a sort of *word to the wise*. So that its being abrupt and far-fetched would be a recommendation of it, and would even give it an air of simplicity with men of deep learning, as being more in the way of their habitual and favourite train of ideas But this style, which may be called the abstruse or pedantic, is soon exploded when knowledge becomes more generally diffused, and the pretension to it universal: when there are few persons who profess to be very learned, and none are contented to be thought entirely ignorant; when every one who can read is a critic; when the reputation of taste and good sense is not confined to an acquaintance with the Greek and Latin authors, and it is not thought necessary to a man's understanding an eloquent discourse, or even to his making one, that he should ever have read a definition either of logic or rhetoric.

that ill advised member the last day, for trenching so far into their ancient liberties, and might encourage each worthy servant of the public here to offer up freely his counsel and opinion, yet, since these walls cannot conceal from the ears of captious, guilty, and revengeful men without, the counsel and debates within, I will endeavour, as my clear mind is free from any personal distaste of any one, so to express the honest thoughts of my heart, and discharge the best care of my trust, as no person shall justly tax my innocent and public mind; except his conscience shall make him guilty of such crimes as worthily have in parliament impeached others in older times. I will therefore, with as much brevity as I can, set down how these disorders have by degrees sprung up in our own memories; how the wisdom of the best and wisest ages did of old redress the like; and lastly, what modest and dutiful course I would wish to be followed by ourselves in this so happy spring of our hopeful master. For, Mr. Speaker, we are not to judge but to present: the redress is above *ad querimoniam vulgi*. Now, Mr. Speaker, so long as those attended about our late sovereign master, now with God, as had served the late queen, of happy memory, debts of the crown were not so great; commissions and grants not so often complained of in parliament; trade flourished; pensions not so many, though more than in the late queen's time, for they exceeded not 18,000*l*. now near 120,000*l*.; all things of moment were carried by public debate at the council table; no honours set to sale, no places of judicature; laws against priests and recusants were executed; resort of papists to ambassadors' houses barred and punished, his majesty by daily direction to all his ministers, and by his own pen, declaring his dislike of that profession; no wasteful expences in fruitless ambassages; nor any transcendent power in any one minister. For matters of state the council chamber held up the fit and ancient dignity.

So long as my lord of Somerset stood in state of grace, and had by his majesty's favour the trust of the signet seal, he oft would glory justly, that there passed neither to himself or his friends any long grants of his highness's lands or pensions. For of that which himself had, he paid 20,000*l.* towards the marriage portion of the king's daughter. His care was to pass no monopoly or illegal grant; and that some members of this house can witness by his charge unto them. No giving way to the sale of honours, as a breach upon the nobility (for such were his own words,) refusing sir John Roper's office, then tendered, to procure him to be made a baron. The match with Spain then offered, (and with condition to require no further toleration in religion than ambassadors here are allowed) he, discovering the double dealing and the danger, dissuaded his majesty from; and left him so far in distrust of the faith of that king, and his great instrument, Gondomar, then here residing, that his majesty did term him long time after a Juggling Jack. Thus stood the effect of his power with his majesty when the clouds of his misfortune fell upon him. What the future advices led in, we may well remember. The marriage with Spain was again renewed; Gondomar declared an honest man; popery heartened, by employing suspected persons for conditions of conveniency; the forces of his majesty in the Palatinate withdrawn, upon Spanish faith improved here and believed, by which his highness's children have lost their patrimony, and more money been spent in fruitless ambassages than would have maintained an army fit to have recovered that country; our old and fast allies disheartened by that tedious and dangerous treaty; and the king our now master exposed to so great a peril, as no wise and faithful council would ever have advised: errors in government, more in misfortune by weak councils than in princes.

The loss of the country of Poyntou in France, was laid to bishop Wickham's charge in the first of Richard

II. for persuading the king to forbear sending aid when it was required; a capital crime in Parliament. The loss of the duchy of Maine was laid to De la Pole, duke of Suffolk, (28 Henry VI.) in singly and unwisely treating of a marriage in France. A Spanish treaty lost the Palatinate: whose counsel hath pronounced so great power to the Spanish agent (as never before) to effect freedom to so many priests as have been of late, and to become a solicitor almost in every tribunal for the ill-affected subjects, of the state, is worth the inquiry.

What grants of impositions, before crossed, have lately been complained of in parliament? as that of ale-houses, gold thread, intermitted customs, and many more, the least of which would have (50 Edward III.) been adjudged in parliament a heinous crime, as well as those of Lyon and Latimer. The duke of Suffolk, in the time of Henry VI. in procuring such another grant, in derogation of the common law, was adjudged in parliament.

The gift of honours, kept as the most sacred treasure of the state, now set to sale. Parliaments have been suitors to the king to bestow those graces, as in the times of Edward III. Henry IV. and Henry VI. More now led in by that way only, than all the merits of the best deservers have got these last 500 years. So tender was the care of elder times, that it is an article (28 Henry VI.) in parliament against the duke of Suffolk, that he had procured for himself and some few others, such titles of honour, and those so irregular, that he was the first that was ever earl, marquis, and duke, of the self same place. Edward I. restrained the number, in policy, that would have challenged a writ by tenure: and how this proportion may suit with the profit of the state, we cannot tell. Great deserts have now no other recompence than costly rewards from the king; for we are now at a vile price of that which was once inestimable. If worthy persons have been advanced freely to places of greatest trust, I shall be glad. Spencer was

condemned in the 14 Edward II. for displacing good servants about the king, and putting in his friends and followers, nor leaving either in the church or commonwealth, a place to any, before a fine was paid unto him for his dependence. The like in part was laid by parliament on De la Pole. It cannot but be a sad hearing unto us all, what my lord treasurer lately told us of his majesty's great debts, high engagements, and present wants; the noise whereof I wish may ever rest inclosed within these walls. For, what an encouragement it may be to our enemies, and a disheartening to our friends, I cannot tell. The danger of those (if any, they have been the cause) is great and fearful. It was no small motive to the parliament, in the time of Henry III. to banish the king's half brethren for procuring to themselves so large proportion of crown lands. Gaveston and Spencer, for doing the like for themselves and their followers in the time of Edward II. and the lady Vessy, for procuring the like for her brother Beaumont, was banished the court. Michael De la Pole was condemned (10 Richard II.) in parliament, amongst other crimes, for procuring lands and pensions from the king, and having employed the subsidies to other ends than the grant intended. His grand-child, William duke of Suffolk, for the like was censured. (28 Henry VI.) The great bishop of Winchester (50 Edward III.) was put upon the king's mercy by parliament, for wasting, in time of peace the revenues of the crown, and gifts of the people, to the yearly oppression of the commonwealth. Offences of this nature were urged, to the ruining of the last duke of Somerset, in the time of Edward VI. More fearful examples may be found too frequent in records. Such improvidence and ill counsel led Henry III. into so great a strait, as after he had pawned some part of his foreign territories, broke up his house, and sought his diet at abbeys and religious houses, engaged not only his own jewels, but those of

the shrine of St. Edward at Westminster, he was in the end not content, but constrained to lay to pawn (as some of his successors after did) *magnam coronam Angliæ*, the crown of England. To draw you out to the life the image of former kings' extremities, I will tell you what I found since this assembly at Oxford, written by a reverend man, twice vice-chancellor of this place; his name was Gascoign; a man that saw the tragedy of De la Pole. He tells you, that the revenues of the crown were so rent away by ill counsel, that the king was enforced to live *de tallagio populi;* that the king was grown in debt *quinque centena millia librarum;* that his great favorite, in treating of a foreign marriage had lost his master a foreign duchy; that to work his ends, he had caused the king to adjourn the parliament *in villis et remotis partibus regni*, where few people *propter defectum hospitii et victualium*, could attend; and by shifting that assembly from place to place, to inforce (I will use the author's own words) *illos paucos qui remanebant de communitate regni, concedere regi quamvis pessima.* When the parliament endeavoured by an act of resumption, the just and frequent way to repair the languishing state of the crown (for all from Henry III. but one, till the 6 Henry VIII. have used it), this great man told the king it was *ad dedecus regis*, and forced him from it: to which the commons answered, although *vexati laboribus et expensis nunquam concederent taxam regi*, until by authority of parliament *resumeret actualiter omnia pertinentia coronæ Angliæ;* and that it was *magis ad dedecus regis*, to leave so many poor men in intolerable want, to whom the king stood then indebted. Yet nought could all good counsel work, until by parliament that bad man was banished; which was no sooner done, but an act of resumption followed the inrollment of the act of his exilement. That was a speeding article against the bishop of Winchester and his brother,

in the time of Edward III. that they had engrossed the person of the king from his other lords. It was not forgotten against Gaveston and Spencer, in the time of Edward II. The unhappy ministers of Richard II. Henry VI. and Edward VI. felt the weight, to their ruin, of the like errors. I hope we shall not complain in parliament again of such.

I am glad we have neither just cause or undutiful dispositions to appoint the king a counsel to redress those errors in parliament, as those 42 Henry III. We do not desire as 5 Henry IV. or 29 Henry VI. the removing from about the king any evil counsellors: we do not request a choice by name, as 14 Edward II. 3, 5, 11, Richard II. 8 Henry IV. or 31 Henry VI. nor to swear them in parliament, as 35 Edward I. 9 Edward II. or 5 Richard II. or to line them out their directions of rule, as 43 Henry III. and 6 Henry VI. or desire that which Henry III. did promise in his 42d year, *se acta omnia per assensum magnatum de concilio suo et eorum et sine eorum assensu nihil;* we only in loyal duty offer up our humble desires, that since his majesty hath with advised judgment elected so wise, religious, and worthy servants, to attend him in that high employment, he will be pleased to advise with them together a way of remedy for these disasters in the state, brought on by long security and happy peace, and not be led with young and single counsel.

GEORGE VILLIERS,

(Created Duke of Buckingham by James I.)

Was born 1592, and was assassinated by Felton in 1628. It is said that he had originally but an indifferent education. Perhaps it was owing to this that there is more ease and vivacity, and less peagantry, in the style of his speeches, than in those of most of his cotemporaries. We can hardly account for it from his having been privately tutored by king James the First. The subject of the following speech was the war with Spain, and recovery of the Palatinate.

That the first and last time he had the honour to speak in this auditory, it was on the same business; and then he was so happy as to be honoured and applauded by both houses: and he made no question, but, speaking with the same heart, and on the same business, he should be so now: for, if they looked upon the change of affairs in christendom, they could not think it less than a miracle, that the king of Spain was sought and courted by all the world; he was become master of the Valtoline; had broke all Germany in pieces, and was possessed of the Palatinate. The princes of Germany were weak, and not able to resist; and by reason of his master's neutrality, caused by a treaty, he kept all other kings and princes in awe. Now, on the contrary, the Valtoline is at liberty; the war is proclaimed beyond the Alps; the king of Denmark is in arms, with 17,000 foot and 6000 horse, besides commissions to make them up 30,000; the king of Sweden is also interesting himself; the princes of the union are revived; the king of France is engaged against Spain, and for that purpose, having made peace with his own subjects, had joined and confederated himself with Savoy and Venice. Why should not he, therefore, hope for the same success, considering that, since the time of his last speech to both

houses, there was not one action, or a thought of his, that levelled at any other than one and the same object, which was to please their desires? If he should credit all rumours, which he would not do, he should speak with some confusion of fear to hold the same place he formerly did in their affections: but, having still the same virtuous ambition, and considering his own heart to the king and state, he could find no cause of alteration, but was all courage and confidence.

Here the duke made a request to the house of commons, that if any man had spoken or should speak any thing in discharge of his conscience, zeal of reformation, or love to his country, which may seem to reflect upon some particular person, he may be the last that shall apply it to himself: because he is confidently assured of two things; first that they are so just as not to fall upon him without cause who was so lately approved by them; and secondly, that himself shall deserve nothing that shall misbecome a faithful Englishman.

DR. JOHN WILLIAMS,

(Keeper of the Great Seal, Bishop of Lincoln, and afterwards Archbishop of York,)

Was born in Caernarvenshire in Wales in 1582, and died in 1650. He preached James the First's funeral sermon, in which he compared him to king Solomon. How well he was qualified for this courtly task may be seen by the following specimen.

The Lord Keeper's Speech.

My lords, and you the knights, citizens, and burgesses of the house of commons: You are here assembled by his majesty's writs and royal authority, to hold a new par-

liament, the general, ancient, and powerful council of this renowned kingdom: whereof if we consider aright and think of that incomparable distance between the supreme height and majesty of a mighty monarch, and the submissive awe and lowliness of a loyal subject, we cannot but receive exceeding comfort and contentment in the frame and constitution of this highest court, wherein not the prelates, nobles, and grandees, but the commons of all degrees have their parts; and wherein that high majesty doth descend to admit, or rather to invite the humblest of his subjects, to conference and counsel with him, of the great, weighty, and difficult affairs of the king and kingdom; a benefit and favour, whereof we cannot be too sensible and thankful; for sure I am, that all good hearts would be both sensible and sorrowful, if we did want it, and therefore it behoveth all, with united hearts, and minds free from distraction and diversion, to fix their thoughts upon counsels and consultations worthy of such an assembly; remembering, that in it is presented the majesty and greatness, the authority and power, the wisdom and knowledge, of this great and famous nation: and it behoveth us to magnify and bless God, that hath put the power of assembling parliaments in the hands of him, the virtue (inherent) of whose person doth strive with the greatness of his princely lineage and descent, whether he should be accounted *major* or *melior*, a greater king or a better man; and of whom you have had so much trial and experience that he doth as affectionately love, as he doth exactly know and understand, the true use of parliaments: witness his daily and unwearied access to this house, before his accession to the crown; his gracious readiness to all consequences of importance; his frequent and effectual intercession to his blessed father, of never dying memory, for the good of the kingdom, with so happy success that both this and future generations shall feel it, and have cause to rejoice at the success of his majesty's intercession. And when the royal diadem descended upon himself, presently, in the midst of his tears and sighs for the departure of his most dear and

royal father in the very first consultation with his privy council, was resolved to meet his people in parliament: and no sooner did the heavy hand of that destroying angel* forbear those deadly strokes, which for some time did make this place inaccessible, but his majesty presently resolved to recall it, and hath now brought you together, and in a happy time, I trust, to treat and consult with uniform desires and united affections, of those things that concern the general good.

"And now being thus assembled, his majesty hath commanded me to let you know, that his love and affection to the public moved him to call this parliament; and looking into the danger, and the spreading of that late mortality, and weighing the multitude of his majesty's pressing occasions, and urgent affairs of state, both at home and abroad, much importing the safety and state of this kingdom, the same affection that moved him to call it, doth forbid him to prolong the sitting of this parliament: and therefore his majesty, resolving to confine this meeting to a short time, hath confined me to a short errand; and that is, that as a king, most agreeable to the kingly office, to the example of the best times and to the frame of modern affairs, his majesty hath called you together to consult and advise of provident and good laws, profitable for the public, and fitting for the present times and actions; for upon such depends the assurance of religion and of justice, which are the surest pillars and buttresses of good government in a kingdom: for his majesty doth consider, that the royal throne, on which God out of his mercy to us hath set him, is the fountain of all justice, and that good laws are the streams and rills by which the benefit and use of this fountain is dispersed to his people. And it is his majesty's care and study, that his people may see, with comfort and joy of heart, that this fountain is not dry, but they and their posterity may rest assured and confident

* The Plague.

in his time, to receive as ample benefit from this fountain, by his majesty's mercy and justice, as ever subjects did in the time of the most eminent princes, amongst his noble progenitors; wherein, as his majesty shews himself most sensible of the public good, so were it an injury to this great and honourable assembly, if it should be but doubted, that they shall not be as sensible of any thing that may add to his majesty's honour, which cannot but receive a high degree of love and affection, if his majesty, succeeding so many religious, wise, and renowned princes, should begin his reign with some additions unto those good laws which their happy and glorious times have afforded: and this his majesty hath caused me to desire at this time especially, above others; for his majesty having, at his royal coronation, lately solemnized the sacred rites of that blessed marriage, between his people and him; and therein by a most holy oath, vowed the protection of the laws and maintenance of peace, both to church and people, no time can be so fit for his majesty to advise and consult at large with his people as at this present time, wherein so lately his majesty hath vowed protection to his people, and they have protested their allegiance and service to him.

This is the sum of the charge which I have received from his majesty to deliver unto you, wherein you see his majesty's intent to the public; and, therefore, his desire is, that, according to that conveniency of time, which his affairs may afford, you will apply yourselves to dispatch the business of this parliament.

SIR HENEAGE FINCH.

Was recorder of London. I have given his speech on being chosen speaker, as a curious instance of the flowery style then in vogue. It is full of far-fetched thoughts, and fulsome compliments.

Since it hath pleased your majesty not to admit my humble excuse, but, by your royal approbation, to crown this election, after my heart and hands first lifted up to God, that hath thus inclined your royal heart, I do render my humblest thanks to your majesty, who are pleased to cast so gracious an eye upon so mean a subject, and to descend so low as, in a service of this importance, to take me into your princely thoughts: and since we all stand for hundreds and thousands, for figures and cyphers, as your majesty the supreme and sovereign auditor shall please to place and value us, and, like coin to pass, are made current by your royal stamp and impression only, I shall neither disable nor undervalue myself, but with a faithful and cheerful heart apply myself with the best of my strength and abilities, to the performance of this weighty and public charge; wherein, as I do and shall to the end most humbly desire your gracious acceptance of my good intentions and endeavours, so I could not but gather some confidence to myself, that your majesty will look favourably upon the works of your own hands. And in truth, besides this particular, these public things, which are obvious to every understanding, are so many arguments of comfort and encouragement; when I contemplate and take a view of those inestimable blessings, which by the goodness of God we do enjoy under your majesty's most pious and prudent government.

If we behold the frame and the face of the government in general, we live under a monarchy, the best of governments, the nearest resemblance unto the divine majesty which the earth affords, the most agreeable to nature, and that which other states and republics do easily fall and reverse into, as the ocean, and are naturally dissolved, as into their *primam materiam.* The laws by which we are governed are, above any value my words can set upon them; time hath refined and improved them: they are equal at least to any laws human, and so curiously framed and fitted, that as we live under a temperate climate, so the laws are temperate, yielding a due observance to the prerogative royal, and yet preserving the right and liberty of the subject; that which Tacitus saith of two of the best of emperors, *Res olim insociabiles miscuerunt, imperium et libertatem.* And so far is this from the least diminution of sovereigns, that in this your majesty is truly stiled *Pater Patriæ*, and the greatest king in the world; that is, king of such and so many free-born subjects, whose persons you have not only power over, but, which is above the greatest of the kings, to command their hearts. If time or corruption of manners breed any mists or grievances, or discover any defect in the law, they are soon reformed by parliament, the greatest court of justice, and the greatest council of the kingdom, to which all other courts and councils are subordinate. Here your royal person sits enthroned in the state of majesty, attended by a reverend and learned prelacy, a great and full nobility; enthroned like stars in the firmament, some a greater, some of a lesser magnitude, full of light and beauty, and acknowledging to whom they owe their lustre; and by a choice number of worthy knights and gentlemen, that represent the whole body of your commons. But to leave generals; we live not under a monarchy only, the best of governments, and under a government the best of monarchies, but under a king

the best of monarchs, your royal person, whose eminent graces and virtues, which are inherent in your person (in whom greatness and goodness contend for superiority) it were presumption in me to touch, though with never so good a meaning; they will not be bounded within the narrow compass of my discourse. And such pictures of a king are not to be made in limning, but from public things and actions which the least eye may see and discern; and in them, obliquely and by reflection, cheerfully and with comfort, behold your person. What age shall not record and eternize your princely magnanimities in that heroic action or venturous journey into Spain, or hazarding your person to preserve the kingdom? Fathers will tell it to their children in succession: after-ages will then think it a fable. Your piety to the memory of your dear father, in following and bedewing his hearse with your tears, is full in every man's memory. The public humiliation when God's hand lay heavy upon us, and the late public thanksgiving to Almighty God for removing his hand, both commanded and performed in person by your majesty, is a work in piety not to be forgotten; and I trust the Lord will remember them, and reward them with mercy and blessing to your majesty, and the whole kingdom. Your love to justice, and your care in the administration of justice, we all behold with comfort, and rejoice to see it: the great courts of justice, from the highest to the lowest, furnished with judges of that wisdom and gravity, learning and integrity. The thrones of kings are established by justice; and may it establish, and I doubt not but it will establish, the throne of your majesty in your person, and in your royal line, to the end of time. But above all, and indeed it is above all, as far as heaven is distant from the earth, your care and zeal for the advancement of God's true religion and worship, are clearly and fully exprest, as doth appear both in your person and by your public acts and edicts. It is true that it is said of

princes, *quod faciunt præcipiunt ;* of your majesty both are true, and a proposition made convertible. We have received a most gracious answer from your majesty to all our late petitions concerning religion, seconded with a public declaration under the great seal, and enrolled in all the courts of justice, for your royal pleasure and direction to awaken and put life into these laws by a careful execution, with provision that the penalties be not converted to your private coffers ; and yet the coffers of the king are not private coffers, but, by your express direction, set apart to public uses, such as concern the immediate defence of the kingdom, wherein we all have our share and interest. Your royal proclamation hath commanded those Romish priests and jesuits to banishment ; those incendiaries, that infect the state of this church and commonwealth. Their very entrance into this kingdom is, by a just and provident law, made treason ; their aims being in truth, (how specious soever their pretences be) nothing else but to plot and contrive treason against the state, and to seduce your natural born subjects from their true obedience, nourishing in their posterities factions and seditions ; witness those many treasons and conspiracies against the person of that glorious lady, whose memory will never die ; and that horrible matchless conspiracy, the powder treason, the master-piece of the devil. But God, that preserved her and your royal father against all their treacherous conspiracies, and hath given you a heart to honour him, will honour and preserve you : religion will more truly keep your kingdoms, than the seas do compass them. It is the joy of heart of your majesty's loyal and well affected subjects, and will ever be the honour of your regal diadem, and the crown of your crown. The Spanish invasion in 1588, I hope will ever be remembered in England, with thankful acknowledgment to God for so great a deliverance ; and I assure myself it is remembered in Spain, but with another mind—a mind of revenge : they are

too constant to their counsels to acquit their resolutions and purposes that drew on that attempt. It was long before discovered, and since printed, not without their liking, that they affect an universal monarchy. *Videor mihi videre* (saith Lipsius of their state) *solem orientem ab occidente;* a monster in nature. And one of their own, speaking of the two great lights which God had placed in the firmament, makes the pope *luminare majus, præsidens urbi et orbi*, and the king of Spain *luminare minus ut subdetur urbi et dominetur per totum orbem.* A great flattery, and a bold and impudent allusion. But I trust, as God hath put it into the heart of your blessed father, by the matchless book of his, written to all christian monarchs and princes, (a work, by which he raised a monument to himself more lasting than marble) to denounce war to that adversary of God and kings, the pope; so hath he set your sacred majesty upon the throne of your father, to do as many things worthy to be written, as he had written things worthy to be read: amongst them to restrain that unlimited pride and boundless ambition of Spain, to reduce it to their proper current and channel; who, under the title of catholic king, makes his pretence to more countries and kingdoms than his own, and by colour of disguised treaties he invades the Palatinate, and dispossesseth the incomparable lady your royal sister, and the children of this kingdom, of their right, and their ancient patrimony and inheritance, to the discomfort and dishonour of this great and glorious nation. God in his mercy soon repair this breach by your royal hand; and I assure myself, the hearts, the hands, and the purses of all good subjects, will say, Amen.

JOHN SELDEN,

(The well-known Author of Table-Talk, and other works of great learning,)

Was born in 1584, and died in 1654. He was member at different times for Great Bedwin, in Wiltshire, and Lancashire, and through his whole life a strenuous oppositionist.

MR. Selden spoke next in this debate, viz. on the impeachment of the duke of Buckingham, and argued, That the question was only, whether this house may proceed to transmit to the lords upon common fame? and surely they might, else no great man shall be accused by any particular, for fear of danger. The faults of the gods were not to be told, till the goddess Fame was born; *de eo male auditur*, is put into indictments for murder. That this course of accusation was held in all the courts of christendom. That these cases were to be ruled by the law of parliaments, and not either by the common or civil law. In the case of the duke of Suffolk, (28th Henry VI.) there was a general rumour and noise of great offences done against the state. The commons, taking notice thereof, acquainted the Lords with that general rumour, praying them, he might be committed to the tower; which the lords, upon consultation with the judges, refused, because the charge was only general: thereupon the commons instanced, in one particular, that the French king was ready to invade the kingdom, through his default; whereupon he was presently committed. In the duke of Somerset's case, (29 Henry VI.) there was the like clamour upon common fame, and the parties complained of were removed from their offices.

The following speech I have thought worth preserving, as it pretty clearly shews the relation which at this time was understood to subsist, and the tone that prevailed, between the king and his parliament.

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*The Lord Keeper Williams's Address to both Houses.**

My lords, and you knights, citizens, and burgesses of the house of commons: You are here assembled by his majesty's command, to receive a declaration of his royal pleasure; which although it be intended only to the house of commons, yet his majesty hath thought meet, the matter being of great weight and importance, it should be delivered in the presence of both houses, and both houses make one general council; and his majesty is willing that the lords should be witnesses of the honour and justice of his resolutions; and therefore the errand which, by his majesty's direction, I must deliver, hath relation to the house of commons. I must address myself therefore to you, Mr. Speaker, and the rest of that house.

And first, his majesty would have you to understand, that there was never any king more loving to his people, or better affectioned to the right use of parliaments, than his majesty hath approved himself to be; not only by his long patience since the sitting down of this parliament, but by those mild and calm directions, which, from time to time, that house hath received by message and letter, and from his royal mouth, when the irregular humours of some particular persons wrought diversions and distractions there, to the disturbance of those great and weighty affairs, which the necessity of the times, the honour and safety of the king and kingdom, called for. And therefore his majesty doth assure you, that when

* See Page 13.

these great affairs are settled, and that his majesty hath received satisfaction of his reasonable demands, he will, as a just king, hear and answer your just grievances, which, in a dutiful way, shall be presented unto him; and this his majesty doth avow.

Next, his majesty would have you know of a surety, that as never any king was more loving to his people, nor better affectioned to the right use of parliaments; so never king was more jealous of his honour, nor more sensible of the neglect and contempt of his royal rights, which his majesty will by no means suffer to be violated by any pretended colour of parliamentary liberty; wherein his majesty doth not forget, that the parliament is his council, and therefore ought to have the liberty of a council; but his majesty understands the difference betwixt council and controlling, and between liberty and the abuse of liberty.

This being set down in general, his majesty hath commanded me to relate some particular passages and proceedings, whereat he finds himself aggrieved.

First, Whereas a seditious speech was uttered amongst you by Mr. Coke, the house did not; as they ought to do, censure and correct him. And when his majesty understanding it, did, by a message by Mr. Chancellor of the Exchequer delivered to the house, require justice of you, his majesty hath since found nothing but protracting and delays. This his majesty holds not agreeable to the wisdom and the duty which he expected from the house of commons.

Secondly, Whereas Dr. Turner, in a strange unparliamentary way, without any ground of knowledge in himself, or offering any particular proof to the house, did take upon him to advise the house to enquire upon sundry articles against the duke of Buckingham, as he pretended; but in truth, to wound the honour and government of his majesty, and of his renowned father: and his majesty, first by a message, and after by his own royal mouth, did declare, that the course of en-

quiry was an example, which by no way he could suffer, though it were against his meanest servant, much less against one so near him; and that his majesty did much wonder at the foolish insolency of any man that can think, that his majesty should be drawn, out of any end, to offer such a sacrifice so unworthy of a king or a good master; yet for all this you have been so far from correcting the insolency of Turner, that ever since that time your committees have walked in the steps of Turner, and proceeded in an unparliamentary inquisition running upon generals, and repeating that whereof you have made the same ground-work. Here his majesty hath cause to be exceeding sensible, that upon every particular, he finds the honour of his father stained and blemished, and his own no less; and withal you have manifested a great forwardness, rather to pluck out of his bosom those who are near about him, and whom his majesty hath cause to affect, than to trust his majesty with the future reformation of these things which you seem to aim at: and yet you cannot deny, but his majesty hath wrought a greater reformation in matters of religion, execution of the laws, and concerning things of great importance, than the shortness of his reign (in which he hath been hindered, partly through sickness, and the distraction of things, which we could have wished had been otherwise) could produce.

Concerning the duke of Buckingham, his majesty hath commanded me to tell you, that himself doth better know than any man living the sincerity of the duke's proceedings; with what cautions of weight and discretion he hath been guided in his public employments under his majesty and his blessed father; what enemies he hath procured at home and abroad; what peril of his person, and hazard of his estate, he ran into for the service of his majesty, and his ever blessed father; and how forward he hath been in the service of this house many times since his return from Spain: and therefore his majesty cannot believe that the aim is at the duke of Buck-

ingham, but findeth that these proceedings do directly wound the honour and judgment of himself and of his father. It is therefore his majesty's express and final commandment, that you yield obedience unto those directions which you have formerly received, and cease this unparliamentary inquisition; and commit unto his majesty's care, and wisdom, and justice, the future reformation of these things, which you suppose to be otherwise than they should be. And his majesty is resolved, that, before the end of this session, he will set such a course, both for the amending of any thing that may be found amiss, and for the settling of his own estate, as he doubteth not but will give you ample satisfaction and comfort.

Next to this his majesty takes notice, that you have suffered the greatest council of state to be censured and traduced in the house, by men whose years and education cannot attain to that depth; that foreign businesses have been entertained in the house, to the hindrance and disadvantage of his majesty's negotiations; that the same year, yea, the first day of his majesty's inauguration, you suffered his council, government, and servants, to be paralleled with the times of most exception: that your committees have presumed to examine the letters of secretaries of state, nay, his own, and sent a general warrant to his signet office, and commanded his officers not only to produce and shew the records, but their books and private notes, which they made for his majesty's service. This his majesty holds as unsufferable as it was in former times unusual.

Next, I am to speak concerning your supply of three subsidies and three fifteenths, which you have agreed to tender to his majesty. You have been made acquainted with the greatness of his affairs, both at home and abroad; with the strong preparation of the enemy; with the importance of upholding his allies, strengthening and securing both England and Ireland, besides the encountering and annoying the enemy by a powerful fleet at sea; and

the charge of all this having been calculated unto you, you have professed unto his majesty, by the mouth of your speaker, your carefulness to support the cause wherein his majesty and his allies are justly engaged; your unanimous consent and real intention to supply his majesty in such a measure as should make him safe at home, and feared abroad; and that in the dispatch hereof, you would use such diligence as his majesty's pressing and present occasions did require.

And now, his majesty having erected a proceeding suitable to this engagement, he doth observe that in two days only of twelve this business was thought of, and not begun till his majesty by a message put you in mind of it, whilst your inquisition against his majesty's direction, proceeded day by day.

And, for the measure of this supply, his majesty findeth it so far from making himself safe at home, and feared abroad, as contrary wise, it exposeth him both to danger and disesteem; for his majesty cannot expect, without better help, but that his allies must presently disband, and leave him alone to bear the fury of a provoked and powerful enemy, so as both he and you shall be unsafe at home, and ashamed and despised abroad. And for the manner of the supply, it is in itself very dishonourable, and full of distrust; for although you have avoided the literal word of a condition, whereof his majesty himself did warn you, when he told you of your parenthesis; yet you have put to it the effect of a condition, since the bill is not to come into your house until your grievances be both preferred and answered.

No such thing was in that expression and engagement delivered by your speaker, from which his majesty holdeth that you have receded both in matter and manner, to his great disadvantage and dishonour; and therefore his majesty commandeth, that you go together, and by Saturday next, return your final answer, what further supply you will add to this you have already agreed on; and that to be without condition, either directly or indirectly, for the supply of these great and important

affairs of his majesty, which, for the reasons formerly made known unto you, can endure no longer delay. And if you shall not by that time resolve on a more ample supply, his majesty cannot expect a supply this way, nor promise you to sit longer together: otherwise, if you do it, his majesty is well content that you shall sit so long as the season of the year will permit, and doth assure you that the present addition to your supply to set forward the work, shall be no hindrance to your speedy access again.

His majesty hath commanded me to add this, that therein he doth expect your cheerful obedience, which will put a happy issue to this meeting, and will enable his majesty not only to a defensive war, but to employ his subjects in foreign actions, whereby will be added to them both experience, safety and honour.

Last of all, his majesty hath commanded me, in explanation of the gracious goodness of his royal intention, to say unto you, that he doth well know, that there are among you many wise and well-tempered men, well affected to the public, and to his majesty's service; and that those that are willingly faulty are not many: and for the rest, his majesty doubteth not, but, after his gracious admonition, they will in due time observe and follow the better sort, which if they shall do, his majesty is most ready to forget whatsoever is past.

DUKE OF BUCKINGHAM'S

*Speech on being accused before the House of Lords.**

My lords,

If I hold my peace, it will argue guilt; and if I should speak, it may argue boldness; being so foully accused. Your lordships see what complaints are made against me; by the house of commons; how well I stood in their opinions, not long since, your lordships know: and what

* See page 12.

I have done since to lose their good opinion, I protest, I know not.

I cannot so distrust my own innocency and heart, which abhors guilt, as to offer to decline any course or court of justice; and, had they not brought my cause to your lordships, I so much trust in the justice and equity of this house, that it should have been my work to have done it: so as in this, only, they have done me a favour, to deliver me out of their hands into your lordships'.

And now, my lords, whilst I protest mine innocency, I do not justify myself from all errors, as if I was an angel amongst men. I know very well, that offices and places of high trust and eminence, may be discharged by men whose abilities are better than the best of mine, and still the management of them may lie open to exceptions.

The king and the state shall have few to serve them, if for their favour, if for their reward of service, if for every particular that may happen in the success of things, for doing things better than some could wish; for refusing to do all they wish; they shall be given up in the time of their masters' wants, for a grievance or a sacrifice. For, this I shall confidently speak, from such crimes as truly deserve punishment from the state I hope I shall ever prove myself free, either in intention or act. My lords, I speak not this arrogantly; nor will I speak any thing else to cast dirt at those who have taken the pains to make me so foul; but to protest my innocency, in that measure which I shall ever hope to prove, nay, am confident of, being before such just judges.

I humbly beseech your lordships to be sensible* of me in this point, what dishonour I have sustained, not only at home but abroad; wherefore I humbly desire your lordships to hasten my trial, as soon as may be, that I may no longer suffer than I must needs; and yet I further desire of your lordships that no such precipitation may be used, as may disadvantage or may prejudice my cause.

* Regardful.

And here, my lords, I have a purpose to offer unto your lordships my voluntary absence from this place, even now in the beginning of the handling of my cause, as your lordships may perceive in part, by my former carriage towards the earl of Bristol. For, doubting least my presence might any way disturb him and put him into passion, or any other way disadvantage him in his cause, I did voluntarily, as your lordships saw, absent myself: but now that my accusers have, not only been content to make my process, but to prescribe to your lordships the manner of my judgment, and to judge me before I am heard; I shall not give way, in my own particular, to any of their unjust demands; but yet, I do submit myself in this, and in all things else, to your lordships' consideration.

SIR DUDLEY DIGGES,

Born in 1583, was made master of the rolls in 1636, and died in 1639. I have already given one or two specimens of the pompous stile; but as the following extract soars to a still sublimer pitch, I could not resolve to omit it. After a slight introduction to the charge brought forward against the duke of Buckingham, his titles were formally enumerated, and then Sir Dudley Digges proceeded:

My Lords,

The lofty titles of this mighty prince do raise me higher: and now to speak with a *paulo majora canamus*, let it not displease your lordships, if for a foundation I compare the beautiful composition, and fair structure of this monarchy and commonwealth wherein we live, to the great work of God, the world itself, wherein there is the solid body of incorporated earth and seas, which I conceive in regard of our husbandry, our manufacture, and commerce, by sea and land, may yet resemble us the commons.

It is encompassed with air and fire, and spheres celestial, of planets, and a firmament of fixed stars; all which receive their heat, their light, their life, and lustre, from one great glorious sun, even like the king our sovereign lord.

That firmament of fixed stars I take to be your lordships; the planets, the great officers of the kingdom; that pure element of fire, to be the most religious and pious clergy; the reverend judges, magistrates, and ministers of law and justice, to be the very air wherein we breathe; all these encompassing round, with cherishing comfort, this body of the commons, who do in truth labour for them all; and though they be the footstool and the lowest, yet may they truly be said to be the settled centre of the state.

Now, my good lords, if this glorious sun, by his powerful beams of grace and favour, shall draw from the bowels of this earth an exhalation that shall take fire, and burn, and shine out like a star, it cannot be marvelled at if the poor commons gaze and wonder at the comet, and when they feel the effects, impute all to the corruptible matter of it.

But if such an apparition like that in the last age, in the chair of Cassiopeia, happen amongst the fixed stars themselves, where Aristotle, of the old philosophers, conceived there was no place for such corruption, then, as the learned mathematicians were troubled to observe the irregular motions, the prodigious magnitude and ominous prognostics of that meteor, so the commons, when they see such a blazing star in a court, so exorbitant in the affairs of the commonwealth, cannot but look upon it, and, for want of perspectives, commend the nearer examination to your lordships, that may behold it a better distance. Such the commons apprehend the great duke of Buckingham to be, against whom, and his ways, there are, by learned gentlemen, legal articles of charge to be delivered, which I am commanded first to open generally.

MR. JOHN PYM,

One of the great leaders of the republican party, was member for Tavistock. He died in 1643. The subject of the speech is the charge against the duke of Buckingham, of which he was one of the managers. It certainly contains a great deal of good sense, strongly expressed.

Mr. Pym's Speech:

My Lords,

THE matter of fact needs no proof, being so notorious; and therefore I shall insist only upon the consequence which made this fact of the duke's a grievance in the commonwealth; and conclude with strengthening the whole with some precedents.

Every offence presupposes a duty: the first work is to shew, the duke was bound to do otherwise: I need to alledge nothing else, but that he was a sworn counsellor and servant to the king, and so ought to have preferred his master's honour and service before his own pride, in seeking to ennoble his own relations.

There are some laws peculiar, according to the temper of several states; there are other laws that are so essential and co-natural with government, that being broken, all things run into confusion.

Such is that law of suppressing vice and encouraging virtue, by apt punishments and rewards.

Whosoever moves the king to give honour, which is a double reward, binds himself to make good a double proportion of merit in that party that is to receive it; the first of value and excellency, the second of continuance.

As this honour lifts them above others, so should they have virtue beyond others; and as it is also perpetual, not ending with their persons, but depending

upon their posterity, so there ought to be, in the first root of this honour, some such active merit to the commonwealth, as may transmit a vigorous example to their successors to raise them to an imitation of the like.

I forbear reflections on those persons to whom this article collaterally relates, since the commands I have received from the commons concern the duke of Buckingham only; I shall therefore leave the first point concerning the offence, and come to the next point, viz. the grievance, which in the articles is expressed in three respects.

First, Prejudicial to the noble barons.

Secondly, To the king, by disabling him from rewarding extraordinary virtue.

Thirdly, To the kingdom, which comprehends all.

First. It is prejudicial to this high court of peers. I will not trouble your lordships with recital, how ancient, how famous this degree of barons hath been in the western monarchies. I will only say, the baronage of England hath upheld that dignity, and doth conceive it in a greater height than any other nation.

The lords are great judges, a court of the last resort; they are great commanders of state, not only for the present, but as law-makers and counsellors for the time to come; and this not by delegacy and commission, but by birth and inheritance. If any be brought to be a member of this great body who is not qualified to the performance of such state functions, it must needs prejudice the whole body; as a little water put in a great vessel of wine, which, as it receives spirits from the wine, so doth it leave therein some degrees of its own infirmities and coldness.

Secondly. It is prejudicial to the king, not that it can disable him from giving honour, for that is a power inseparable from the crown; but by making honour ordinary, it becomes an incompetent reward for extraordinary virtue. When men are made noble, they are

taken out of the press of the common sort; and how can it choose but fall in estimation, when honour itself is made a press?

Thirdly. It is prejudicial to the kingdom. Histories and records are full of the great assistance which the crown had received from the barons, on foreign and domestic occasions; and not only by their own persons, but their retinue and tenants; and therefore they are called by Bracton, *Robur Belli:* How can the crown expect the like from those who have no tenants, and are hardly able to maintain themselves? Besides, this is not all; for the prejudice goes not only privately from thence, in that they cannot give the assistance they ought, but positively, in that they have been a greater burden to the kingdom since, by the gifts and pensions they have received; nay, they will even stand in need to receive more for the future support of their dignities.

This makes the duke's offence greater, that in this weakness and consumption of the state, he hath not been content alone to consume the public treasure, which is the blood and nourishment of the state, but hath brought in others to help him in this work of destruction; and that they might do it the more eagerly by enlarging their honour, he hath likewise enlarged their necessities and appetites.

I shall second this charge with two precedents; the first, 28 Henry VI. in the complaint against the duke of Suffolk, that he had married his niece to the earl of Kendal, and procured him 1000*l. per annum* in the duchy of Guyenne: and yet this party was the son of a noble and well deserving father.

The second, in 17 Edw. IV. an act of parliament for the degrading of Thomas Neville, marquis of Montague, and duke of Bedford. The reason exprest in the act is, because he had not a revenue to support that dignity: together with another reason, that when men are called to honour, and have not livelihood to support it, it induceth great poverty, and causeth briberies, extortions, embraceries, and maintenance.

MR. WANDESFORD.

This long and closely reasoned speech about a posset-drink, and sticking-plaister, applied by the duke of Buckingham to James I. a little before his death, is a proof of the gravity with which our ancestors could treat the meanest subjects, when they were connected with serious consequences.

Mr. Wandesford's Speech:

THUS have your lordships heard this charge against the duke of Buckingham briefly stated; and now may it please you to have represented also to your wisdoms and justice the nature of this offence in itself, and how it stands apparelled with circumstances.

The various composition and structure of our bodies, the several natures and degrees of diseases, the quality and power of medicines, are such subtle mysteries of nature, that the knowledge thereof is not apprehended without great study and learning, not perfected without long practice and experience. This tender consideration induced, it seems, the charity and providence of that law, which makes it penal for unskilful empirics, and all others, to exercise and practise physic, even upon common persons, without a lawful calling and approbation; branding them that shall thus transgress as *improbos, malitiosos, temerarios et audaces homines*: but he that without skill and calling shall direct a medicine, which upon the same person had once wrought bad effects enough to have dissuaded a second adventure, and that when physicians are present, physicians selected for learning, and art, prepared by their office and oaths, without their consent, nay, even contrary to their directions, and in a time unreasonable, I say, must needs be guilty,

albeit towards a common person, of a precipitate and unadvised rashness; but to practise, my lords, such experiments upon the sacred person of a king, so great, so good, so blessed a prince; a prince under the protection of whose justice (to use the words often recorded by himself) every man sat under his own vine, and eat of his own fig-tree, extends this fault, this attempt, beyond all precedents, beyond all example; for though the days of the greatest princes, like their meanest subjects, be numbered, and a time appointed which they cannot pass, yet, while they are upon the earth, they are vessels of honour, set apart for God's greater works; his vicegerents, not to be thought upon without reverence, not to be approached unto without a proper distance.

And so pious, my lords, are our laws, to put the subjects in mind of their duties towards the sacred persons of their prince, that in the attempt, even of a madman, upon the person of his king, his want of reason, which, towards any of his fellow-subjects might acquit him of felony, shall not excuse him of treason.

And how wary and how advised our ancestors have been, not to apply any thing of this kind to the person of a king, may appear by a precedent in the 32d Hen. VI. where John Arundel, and others, the king's physicians and surgeons, thought it not safe for them to administer any thing to the king's person, without the assent of the privy-council, and express licence under the great seal of England.

I beseech your lordships to behold the difference of times: the modesty, the duty of those physicians, restrained them from acting that which their judgment and experience might have justified. But I am commanded to say the boldness of this lord admits no warrant, no command, no counsel, but, transported by the passions of his own will, he ventures upon the doubtful sickness of a king, with a kind of high, sole, and single counselling. The effects whereof, as in all

other things, so especially in such as this, have ever been decried as leading to ruin and destruction. Surely, my lords, *si hæc fiant in viridi, in arido quid fiat?* If this be offered to the anointed person of a king, what shall become of the common person of a subject?

What colour shall be given then, my lords, what excuse can be framed for a servant (a servant, too, obliged as much as the bounty of a great king, and the goodness of a master could make him) so much forgetting his duty as to hazard such a majesty upon so slight, so poor pretences?

Admit, my lords, (for that is all that can be alledged in this great duke's defence) that this sprang from affection to his great master, the desire of his preservation; yet could this lord imagine, that any medicine could be so catholicly good at all times, in all degrees of age, for all bodies? But as I am commanded to say, what belief, what hopes could he have of this the second time, when the former appeared so unsuccessful?

It is a faint affection, my lords, where judgment doth not guide; a well regulated judgment should have directed a more advised, a more orderly proceeding; but whether it were a fatal error in judgment only, or something worse, my lords, in his affections, the house of commons leave to your lordships to search into and judge; only give me leave to remember, that this medicine found his majesty in the declination of his disease, and we all wish it had left him so; but his blessed days were soon hurried into worse, and, instead of health and recovery, your lordships shall hear, by good testimony, (that which troubles the poor and loyal commons of England) of greater distempers, as drought, raving, a fainting and intermitting pulse;—strange effects, my lords, to follow upon the applying of a mere treacle plaister! but the truth is, my lords, these testimonies tell us, that this plaister had a strange smell, and an invective quality, striking the malignity of the disease

inward, which nature otherwise might have expelled outwards.

And when I call to mind, my lords, the drink twice given to his majesty by the duke of Buckingham's own hands, and a third time refused; and the following complaint of that blessed prince, the physicians telling him, to please him for a time, that his second impairment was from cold taken, or some other ordinary cause.—No, no, quoth his majesty, it was that I had from Buckingham!—A great discomfort, no doubt, that he should receive any thing that might hurt him, from one that he so much loved and affected. This makes me call to mind the condition of Cæsar in the senate—*et tu Brute, et tu fili?*

Here, perhaps your lordships, may expect to hear what hath been done in like cases heretofore. It is true, indeed, the former charges were not without example; but as Solon said of his laws not providing against parricide, his reason was, because he thought no man was so wicked as to commit it; so do we not find recorded to posterity any precedent of former ages, of an act offered to the person of a king, so insolent, so transcendant as this; though it be true that divers persons, as great as this duke, have been questioned and condemned for less offences against the person of their sovereign.

And not to trouble your lordships with much repetition; it was an article, amongst others, laid against the duke of Somerset, for carrying Edward VI. away in the night time, of his own head, but from Hampton Court to Windsor; and yet he was trusted with the protection of his person: and whether this exceed not that offence, my lords, I humbly submit to your judgments.

Yet, as we used to say, where the philosophers end, physicians begin; so, precedents failing us in this point, common law will in part supply us.

The law judgeth a deed done in the execution of an unlawful act, manslaughter, which otherwise would have been but chance medley; and that this act was unlawful, the house of commons do believe, as belonging to the duty and vocation of a sworn and experienced physician, and not the unskilfulness of a young lord.

And so precious are the lives of men in the eye of the law, that though Mr. Stanford saith, a physician taking one in cure, if he dies under his hands, it is no felony, because he did it not feloniously; yet it is Mr. Bracton's opinion, that if one that is no physician or surgeon, undertake a cure, and the party die in his hands, this is a felony; and the law goeth further, making the physicians and surgeons themselves accountable for the death of their patients, if it appear they have transgressed the rules of their own art; that is, the undertaking a thing wherein they had no experience, or having done that, fail in their care and diligence.

How much more then, my lords, is this lord subject to your lordships' censure upon all these circumstances, for this so transcendant a presumption?

And the house of commons, my lords, stiling it but a presumption, speak modestly; but now that they have presented it to your lordships, and brought it to the light of your examination and judgment, it will appear in its own colours.

And I am further commanded from the house of commons, to desire your lordships, seeing this duke hath made himself a precedent, in committing that which former ages knew not, your lordships will, out of your wisdoms and justice, make him an example for the time to come.

Finally, I am most humbly to beseech your lordships, that you will not look upon this lord's luxuriant boldness, through the infirmities and weakness of me the speaker, but be pleased, in your honour and justice, thoroughly to examine the truth, and then to judge,

according to the great weight and consequence of the matter, as it is represented to your lordships against the duke of Buckingham.

SIR DUDLEY CARLETON.

One may collect from the following speech of Sir Dudley Carleton's, that he was a great traveller, and a very well-meaning man. He was born 1573, and died 1631. Before his death he was created Viscount Dorchester.

Sir Dudley Carleton's Speech.

I FIND, by a great silence in this house, that it is a fit time to be heard, if you please to give me the patience. I may very fitly compare the heaviness of this house unto some of my misfortunes by sea, in my travels; for as we were bound unto Marseilles, by oversight of the marines we mistook our course, and by ill fortune met with a sand; that was no sooner overpast, but we fell on another; and having escaped this likewise, we met with a third, and in that we stuck fast; all of the passengers being much dismayed by this disaster, as now we are here in this house for the loss of those two members. At last an old experienced mariner, upon consultation, affirmed, that the speediest way to come out from the sands, was to know how we came there; so well looking and beholding the compass, he found, by going in upon such a point, we were brought into that strait; wherefore we must take a new point to rectify and bring us out of danger.

This house of parliament may be compared to the ship; the sands to our messages; and the commitment

to the sands that the ship did stick fast in; and lastly, the compass, to the table where the book of orders doth lie. Then, I beseech you, let us look into the book where the orders are, whether the gentlemen did go no further than the order did warrant them: if they did not, it is fit that we should defend them whom we employed in our behests; but if they have exceeded their commission, and delivered that which they had not warrant for, it is just that we let them suffer for this presumption; and this our course will bring us from these rocks.

I beseech you, gentlemen, move not his majesty with trenching upon his prerogatives, lest you bring him out of love with parliaments. You have heard his majesty's often messages to you, to put you forward in a course that will be most convenient. In those messages he told you, that if there were not correspondency between him and you, he should be enforced to use new counsels. Now, I pray you consider, what these new counsels are, and may be. I fear to declare those that I conceive. In all christian kingdoms, you know that parliaments were in use anciently, by which their kingdoms were governed in a most flourishing manner, until the monarchs began to know their own strength; and seeing the turbulent spirit of their parliaments, at length they, by little and little, began to stand upon their prerogatives, and at last overthrew the parliaments throughout christendom, except here only with us.

And indeed you would count it a great misery, if you knew the subjects in foreign countries as well as myself, to see them look not like our nation, with store of flesh on their backs, but like so many ghosts, and not men; being nothing but skin and bones, with some thin cover to their nakedness, and wearing only wooden shoes on their feet; so that they cannot eat meat or wear good clothes, but they must pay and be taxed unto the king for it. This is a misery beyond expression, and that which yet we are free from. Let

us be careful, then, to preserve the king's good opinion of parliaments, which bringeth this happiness to this nation, and makes us envied of all others, while there is this sweetness between his majesty and the commons, lest we lose the repute of a free-born nation, by tumbulency in parliament; for, in my opinion, the greatest and wisest part of a parliament, are those that use the greatest silence, so as it be not opiniative, or sullen, as now we are,* by the loss of these our members that are committed.

This good correspondency being kept between the king and his people, will so join their love and favour to his majesty with liking of parliaments, that his prerogative shall be preserved entire to himself, without our trenching upon it; and also the privilege of the subject (which is our happiness) inviolate, and both be maintained to the support of each other. And I told you, if you would hear me patiently, I would tell you what exception his majesty doth take at those gentlemen that are committed. You know that eight members were chosen to deliver the charge against the duke; but there were only six employed for that purpose, and to these there was no exception.

As for Sir Dudley Digges's part, that was the prologue: and in that his majesty doth conceive that he went too far beyond his commission, in pressing the death of his ever blessed father in these words: That he was commanded by the house, to say concerning the plaister applied to the king, that he did forbear to speak farther in regard of the king's honour, or words to that effect. This his majesty conceiveth to be to his dishonour, as if there had been any underhand dealing by his majesty, in applying of the plaister; and this may make his subjects jealous of his doings. In this point his majesty is assured, that the house did not warrant him. Now for that which is excepted against Sir John Elliot, his over bitterness in the aggravation upon the whole charge, and specially

* That is, obstinately silent.

upon some of the heads of it; (as I never heard the like in parliament before, but I have indeed heard the like when the criminal was indicted, or accused at a bar.) For if you please to remember, when I moved for putting of the St. Peter, of Newhaven, out of the charge against the duke of Buckingham, and shewed my reasons for that purpose, you know how tender Sir John Elliot was of it, as if it had been a child of his own; and so careful in the handling thereof by a stranger, that he would not suffer it to be touched, though with never so tender a hand, for fear it might prove a changeling: which did manifest, how specious soever his pretences were, that he had *oculum in cauda;* and, I must confess, I was heartily sorry, when he delivered his aggravation to the lords, to see his tartness against the duke, when as he had occasion to name him, he only gave him the title of this man, and the man; whereas, the others observed more respect and modesty, in their charges against so great a person as the duke is; considering, that then he was not convicted, but stood *rectus in curia.* Lastly, for pressing the death of his late majesty, you know that the sense of the house concluded, That it was only an act of presumption; nay, some of them expressly said, nay, God forbid that I should lay the death of the king to his charge. If he, without warrant from the house, insisted upon the composition of the plaister, as if there were *aliquid latet quod non patet*, this was beyond his commission from our house, and this is that which his majesty doth except against: and this, I say, drew his majesty, with other insolent invectives, to use his royal authority in committing him to the Tower. I move, therefore, for a grand committee, to consider of the best remedy to get us out of this strait.

SIR HENEAGE FINCH.*

The Speaker's Speech, on delivering the Declaration of the House of Commons, relating to the Supply.

Most gracious and dread sovereign,

ACCORDING to that liberty of access, and liberty of speech, which your majesty and your royal progenitors have ever vouchsafed to your house of commons, your majesty's most humble and loyal subjects, the commons, now assembled in parliament, have been suitors for this access to your royal throne.

And out of their consideration of the nature, and of the weight and importance of the business, they have thought the attendance of the whole house, with their speaker, not too solemn; and yet, they have not thought fit barely to commit those words, which express their thoughts, to the trust of any man's speech, but are bold to present them in writing to your gracious hands, that they may not vanish, but be more lasting than the most powerful words of a more able speaker are like to be.

I have much to read, and shall, therefore, as little as I can, weary your majesty with speeches.

This parchment contains two things; the one, by way of declaration, to give your majesty an account and humble satisfaction, of their clear and sincere endeavours and intentions in your majesty's service; and the other, an humble petition to your majesty, for the removal of that great person, the duke of Buckingham, from access to your royal presence.

For the first, They beseech your most excellent majesty to believe, that no earthly thing is so dear and pre-

* See a former article, page 17.

cious to them, as that your majesty should retain them in your grace and good opinion; and it is grief to them, beyond my expression, that any misinformation, or misinterpretation, should at any time render their words or proceedings offensive to your majesty.

It is not proper for any one to hear the echo of a voice, that hears not the voice; and if echoes be sometimes heard to double, and redouble, the echo of the echo is still fainter, and sounds not louder.

I need not make the application: words misreported, though by an echo, or but an echo of an echo, at a third or fourth hand, have oft a louder sound than the voice itself; and may sound disloyalty, though the voice had nothing undutiful or disloyal in it.

Such misinformations, they fear, have begot interruptions and divisions, which have delayed the ripening and expediting of those great counsels, which concern your majesty's important service, and have enforced this declaration.

I pass from that to the petition; in which my purpose is not to urge those reasons, which your majesty may hear expressed in their own words, in the language of the people.

I am only directed to offer to your great wisdom, and deep judgment, that this petition of theirs is such, as may stand with your majesty's honour and justice to grant.

Your majesty hath been pleased to give many royal testimonies and arguments to the world, how good and gracious a master you are; and that, which the queen of Sheba once said to the wisest king, may, without flattery, be said to your majesty: Happy are those servants which stand continually before you.

But the relations, by which your majesty stands in a gracious aspect towards your people, do far transcend, and are more prevalent and binding, than any relation of a master towards a servant; and to hear and satisfy the

just and necessary desires of your people, is more honourable than any expression of grace to a servant.

To be a master of a servant, is communicable to many of your subjects; to be a king of a people, is regal, and incommunicable to subjects.

Your majesty is truly stiled by that name, which the greatest emperors (though they borrow of names and titles, from those countries which they gained by conquest,) most delighted in, *Pater Patriæ;* and the desires of children are preferred before those of servants; for the servant abideth not in the house for ever, but the son abideth ever.

The government of a king was truly, termed by your royal father, a politic marriage between him and his people; and I may safely say, there was never a better union between a married pair, than is between your majesty and your people.

MR. CRESKELD.

If the thoughts in the following introduction to an elaborate legal dissertation are conceits, they are nevertheless ingenious and poetical conceits.

Mr. Creskeld's Speech on the Detention of some members of the House.

I STAND up to speak somewhat concerning the point of the subject's grievances, by imprisonment of their persons, without any declaration of the cause, contrary to, and in derogation of, the fundamental laws and liberties of this kingdom.

I think I am one of the puisnes of our profession, that are members of this house; but howsoever, sure I

am, that, in respect of my own inabilities, I am the puisne of the whole house: therefore, according to the usual course of students in our profession, I may, as the puisne, speak first in time, because I can speak least in matter.

In pursuance of which course, I shall rather put the case, than argue it; and therefore I shall humbly desire, first of all, of this honourable house in general, that the goodness of the cause may receive no prejudice, by the weakness of my argument; and next, of my masters here of the same profession, in particular, that they, by their learned judgments, will supply the great defects I shall discover, by declaring of my unlearned opinion.

Before I speak of the question, give me leave, as an entrance thereunto, to speak first of the occasion.

Ye all know that justice is the life and the heart's blood of the commonwealth; and if the commonwealth bleed in that master vein, all the balm in Gilead is but in vain to preserve this our body of policy from ruin and destruction. Justice is both *columna et corona reipublicæ;* she is both the column and the pillar, the crown and the glory, of the commonwealth. This is made good in scripture, by the judgment of Solomon, the wisest king that ever reigned on earth. For first, she is the pillar; for he saith, That by justice the throne is established. Secondly, she is the crown; for he saith, That by justice a nation shall be exalted.

Our laws, which are the rules of justice, are the *ne plus ultra* to both the king and the subject; and, as they are Hercules's pillars, so are they the pillars of Hercules to every prince, which he must not pass.

Give me leave to resemble justice to Nebuchadnezzar's tree; for she is so great, that she doth shade, not only the palace of the king, and the house of nobles, but doth also shelter the cottage of the poorest beggar.

Wherefore, if either now the blasts of indignation, or the unresistable violator of laws, necessity, hath so

bruised any of the branches of this tree, that either our persons, or goods, or possessions, have not the same shelter as before, yet, let us not therefore neglect the root of this great tree; but rather, with all our possible means, endeavours, and unfeigned duties, both apply fresh and fertile mould under it, and also water it even with our own tears; that so these bruised branches may be recovered, and the whole tree again prosper and flourish. For this I have learned from an ancient father of the church, that though *preces regum sunt armatæ*, yet *arma subditorum* are but only *preces et lachrymæ*.

I know well that *cor regis inscrutabile*, and that kings, although they are but men before God, yet they are gods before men; and therefore, to my gracious and dread sovereign, (whose virtues are true qualities ingenerate, both in his judgment and nature) let my arm be cut off, nay, let my soul not live that day, that I shall dare to lift up my arm to touch that forbidden fruit, those flowers of his princely crown and diadem.

But yet in our Eden, in this garden of the commonwealth, as there are the flowers of the sun, which are so glorious, that they are to be handled only by royal majesty; so are there also some daisies and wholesome herbs, which every common hand, that lives and labours in this garden, may pick and gather up, and take comfort and repast in them. Amongst all which, this *oculus dilci*, this *bona libertas*, of which I am now to speak, is not one only, but the chief.

SIR ROBERT PHILIPS.

In this apparently unstudied address, we meet, for the first time, with real warmth and eloquence.

I READ of a custom amongst the old Romans, that once every year they had a solemn feast for their slaves, at which they had liberty, without exception, to speak what they would, thereby to ease their afflicted minds; which being finished, they severally returned to their former servitude.

This may, with some resemblance and distinction, well set forth our present state, where now, after the revolution of some time, and grievous sufferance of many violent oppressions, we have, as those slaves had, a day of liberty of speech; but shall not, I trust, be hereafter slaves, for we are free. Yet what new illegal proceedings our states and persons have suffered under, my heart yearns to think, my tongue falters to utter. They have been well represented by divers worthy gentlemen before me; yet one grievance, and the main one, as I conceive, hath not been touched, which is our religion;—religion, Mr. Speaker, made vendible by commission; and men, for pecuniary annual rates, dispensed withal, whereby papists may, without fear of law, practise idolatry.

For the oppressions under which we groan, I draw them under two heads; acts of power against law, and judgments of law against our liberty.

Of the first sort are, strange instructions, violent exactions of money thereupon, imprisonment of the persons of such who (to deliver over to their posterity the

liberty they received from their forefathers, and lawfully were in possession of) refused so to lend; and this aggravated by the remediless continuance and length thereof; and chiefly the strange, vast, and unlimited power of our lieutenants and their deputies, in billeting of soldiers, in making rates, in granting warrants for taxes as their discretions shall guide them. And all this against the law.

These last are the most insupportable burdens that at this present afflict our poor country, and the most cruel oppression that ever yet the kingdom of England endured. These upstart deputy lieutenants (of whom perhaps in some cases and times there may be good use, being regulated by law,) are the worst of grievances, and the most forward and zealous executioners of those violent and unlawful courses which have been commended unto them; of whose proceedings, and for the qualifying of whose unruly power, it is more than time to consult and determine.

Judgments of law against our liberty there have been three, each latter stepping forwarder than the former upon the right of the subject, aiming in the end to tread and trample under foot our law, and that even in the form of law.

The first was the judgment of the *postnati*, whereby a nation (which I heartily love for their singular good zeal in our religion, and their free spirits to preserve our liberties far beyond many of us) is made capable of any the like favours, privileges, and immunities, as ourselves enjoy and this especially argued in the exchequer chamber by all the judges of England. The second was, the judgment upon impositions in the exchequer court, by the barons, which hath been the source and fountain of many bitter waters of affliction unto our merchants. The third was, that fatal late judgment against the liberty of the subject imprisoned by the king, argued and pronounced but by one judge alone.

I can live, although another who has no right, be put

to live with me; nay, I can live, although I pay excises and impositions more than I do; but to have my liberty, which is the soul of my life, taken from me by power, and to have my body pent up in a goal, without remedy by law, and to be so adjudged! O improvident ancestors! O unwise forefathers! to be so curious in providing for the quiet possession of our laws and the liberties of parliament, and to neglect our persons and bodies, and to let them lie in prison, and that *durante bene placito*, remediless! If this be law why do we talk of liberties? why do we trouble ourselves with a dispute about law, franchises, property of goods, and the like? what may any man call his own, if not the liberty of his person?

I am weary of treading these ways, and therefore conclude to have a select committee deputed, to frame a petition to his majesty for redress of these things; which being read, examined, and approved by the house, may be delivered to the king, of whose gracious answer we have no cause to doubt, our desires being so reasonable, our intentions so loyal, and the manner so humble: neither need we fear this to be the critical parliament as was insinuated, or this a way to distraction; but assure ourselves of a happy issue: then shall the king, as he calls us his great council, find us his good council, and own us as his good council—which God grant.

SIR EDWARD COKE.*

When poor England stood alone, and had not the access of another kingdom, and yet had more and as potent enemies as now it hath, yet the king of England prevailed.

In the parliament roll in 42 Edw. III. the king and

* See a former article, page 3.

the parliament gave God thanks for his victory against the kings of Scotland and France; he had them both in Windsor Castle as prisoners. What was the reason of that conquest? Four reasons were given. 1. The king was assisted by good council. 2. There were valiant men. 3. They were timely supplied. 4. Good employment.

In 3 Richard II. the king was environed with Flemings, Scots, and French; and the king of England prevailed.

In 13 Richard II. the king was environed with Spaniards, Scots, and French; and the king of England prevailed.

In 17 Richard II. wars were in Ireland and Scotland; and yet the king of England prevailed, and thanks were given to God here; and I hope I shall live to give God thanks for our king's victories.

In 7 Henry IV. one or two great men about the king so mewed him up, that he took no other advice but from them; whereupon the chancellor took this text and theme in his speech at the parliament: *Multorum consilia requiruntur in magnis, in bello qui maxime timent sunt in maximis periculis.* Let us give, and not be afraid of our enemies; let us supply bountifully, chearfully, and speedily, but enter not into particulars. Solomon's rule is, *Qui repetit separat*, nay *separat fœderatos.* We are united in duty, &c. to the king. The king hath fourscore thousand pounds a year for the navy, and to scour the narrow seas; it hath been taken, and we are now to give it; and shall we now give more to guard the seas? besides, when that is taken of our gift, it may be diverted another way.

It shall never be said, we deny all supply. I think myself bound where there is *commune periculum*, there must be *commune auxilium.*

MR. SELDEN.*

Mr. Selden's Speech against Illegal Arrests.

YOUR lordships have heard from the gentleman that spoke last, a great part of the grounds upon which the house of commons, upon mature deliberation, proceeded to that clear resolution, touching the right of the liberty of their persons. The many acts of parliament, which are the written laws of the land, and are expressly to the point, have been read and opened, and such objections as have been by some made unto them, and objections also made out of other acts of parliament, have been cleared and answered. It may seem now perhaps, my Lords, that little remains needful to be further added, for the enforcement and maintenance of so fundamental and established a right and liberty, belonging to every freeman of the kingdom.

The house of commons, taking into consideration, that in this question (being of so high a nature, that never any exceeded it in any court of justice whatsoever,) all the several ways of just examination of the truth should be used; have also most carefully informed themselves of all former judgments or precedents concerning this great point either way, and have been no less careful to the due preservation of his majesty's prerogative, than of their own rights. The precedents here are of two kinds; either merely matter of record, or else the formal resolutions of the judges, after solemn debate on the point.

This point that concerns precedents, the house of commons have commanded me to present to your lordships; which I shall as briefly as I may, so I do it faithfully and perspicuously; to that end, my lords, before

* See before, Page 22.

I come to the particulars of any of those precedents, I shall first remember to your lordships, that which will seem as a general key for the opening and true apprehension of all those on record; without which key, no man, unless he be versed in the entries and course of the king's bench, can possibly understand.

In all cases my lords, where any right or liberty belongs to the subject by any positive law, written, or unwritten, if there were not also a remedy by law, for enjoying or regaining of this right or liberty, when it is violated or taken from him, the positive law were most vain, and to no purpose; and it were to no purpose for any man to have any right in any land, or other inheritance, if there were not a known remedy; that is, an action or writ, by which, in some court of ordinary justice, he might recover it: and in this case of right of liberty of person, if there were not a remedy in the law for regaining it when it is restrained, it were to no purpose to speak of laws that ordain it should not be restrained. The writ of *habeas corpus*, or *corpus cum causa*, is the highest remedy in law for any man that is imprisoned, and the only remedy for him that is imprisoned by the special command of the king, or the lords of the privy council, without shewing the cause of commitment; and if any man be so imprisoned by any such command or otherwise whatsoever, through England, and desire, by himself or any other in his behalf, this writ of *habeas corpus* for the purpose in the court of king's bench, that writ is to be granted to him, and ought not to be denied, and is directed to the keeper of the prison, in whose custody the prisoner remains; commanding him, that after a certain day he bring in the body of the prisoner, *cum causa detentionis*, and sometimes, *cum causa captionis;* and he, with his return filed to the writ, bringeth the prisoner to the bar at the time appointed, and the court judgeth of the sufficiency or insufficiency of the return; and if they find him bailable, *committitur marescallo* the proper officer

belonging to the court, and then afterwards *traditur in ballium;* but if, upon the return of the *habeas corpus*, it appear to the court, that the prisoner ought not to be bailed, nor discharged from the prison whence he is brought, then he is remanded and sent back again to continue till by due course of law he may be delivered; and the entry of this is *remittitur quousque secundum legem deliberatus fuerit*, or *remittitur quousque*, &c. which is all one, and the highest award of judgment that ever was or can be given upon a *habeas corpus*.

Your lordships have heard the resolution of the house of commons, touching the enlargement of a man committed by command of the king, or privy council, or any other, without cause shewn of such commitment; which resolution, as it is grounded upon acts of parliament already shewn (the reason of the law of the land being committed to the charge of another to open unto you,) so it is strengthened by many precedents of record.——

He then produced twelve precedents, full and directly in the point to prove, that persons so committed ought to be delivered upon bail; which were distinctly opened and read to their lordships. Then he also offered to their consideration other kind of precedents, which were solemn resolutions of judges; things not of record, but yet remaining in authentic copies; which precedents and authorities we omit for the length thereof.

He then proceeded, and said, The house of commons (desiring with all care to inform themselves fully of the truth of the resolution of the judges in the 34th year of the late queen, cited in the case of Sir John Heveningham, by the king's counsel, as arguments against his not being bailed) have got into their hands a book of select cases, collected by the reverend and learned judge, chief justice Anderson, all written with his own hand, which he caused to be read. These precedents, saith he, do fully resolve for the maintenance of the

ancient and fundamental point of liberty of the person, to be regained by *habeas corpus* when any one is imprisoned.

Then he concluded, that having thus gone through the charge committed to him by the house of commons, he should now, as he had leave and direction given him, lest their lordships should be put to much trouble and expence of time, in finding and getting copies at large of those things which he had cited, offer also to their lordships authentic copies of them all, and so left them, and whatsoever else he had said, to their lordships' further consideration.

ROBERT RICH,

(Created Earl of Warwick, and Lord Rich of Leeze, by James I.)

I have given the following speech on the right of the crown to imprison the subject without any reason shewn, for its good sense and logcial acuteness.

The Earl of Warwick's Speech.

My Lords,

I WILL observe something out of the laws, wherein this liberty of the subject's person is founded, and something out of the precedents which have been alledged; as to *magna charta*, and the rest concerning these points, they are acknowledged by all to be now in force; that they were made to secure the subjects from wrongful imprisonment; and that they concern the king as much, or rather more, than the subject. Well then, besides *magna charta*, and those six other acts of parliament in the very point, we know that *magna charta* itself has been at least thirty times confirmed; so that now, at this time, we have thirty-six or thirty-seven acts of

parliament to confirm this liberty, although it was made a matter of derision the other day in this house.

One is that of 36 Edward III. No. 9, and another in the same year, No. 20, not printed, but yet as good as those that are; and that of 42 Edward III. Cap. 3, so express in the point, (especially the petition of the commons that year, which was read by Mr. Littleton, with the king's answer, so full and free from all exception, to which I refer your Lordships,) that I know not how any thing in the world can be more plain.

Now, therefore, if in parliament we shall make any doubt of that which is so fully confirmed by parliament, and in a case so clear, go about by new glosses to alter these old and good laws, we shall not only forsake the steps of our ancestors, who, in cases even of small importance, would answer *nolumus leges Angliæ mutari*, but we shall yield up and betray our right in the greatest inheritance the subjects of England have; and that is the laws of England.

Truly, I wonder how any man can think that this house (though no lawyers) can admit of such a gloss upon a plain text, as should overthrow the very end and design of the law; for whereas the law of *magna charta* is, That no freeman shall be imprisoned, but by lawful judgment of his peers, or the law of the land; it has been insisted on by some, that by these words, the law of the land, it is to be understood, that the king hath power to commit without shewing any cause; which is an exposition, not only expressly contrary to other acts of parliament, and those expressly before cited, but against common sense.

Mr. Attorney confesseth this law concerns the king. Why then, where the law saith, the king shall not commit but by the law of the land, the meaning must be, (as Mr. Attorney would have it) that the king must not commit, but at his own pleasure! and shall we think that our ancestors were so foolish as to hazard their persons and estates, and labour so much to get a law, and

have it thirty times confirmed, that the king might not commit his subjects, but at his own pleasure? and that if he did commit any of his subjects without a cause shewn, that then the party must lie in prison during the king's pleasure? Nothing can be imagined more ridiculous, or more contrary to reason and common sense.

From the precedents I observe that many committed by the king or his counsel have been delivered upon *habeas corpus*, and that constantly. It is true that some precedents were brought on the king's part, that when some of these persons desired to be delivered by *habeas corpus*, the king, or his council, signified his majesty's pleasure that they should be delivered; or the king's attorney hath come into court and released them by the king's command. But this seems to make for the subject; for, it being in his majesty's power to deliver them, who, by his special commandment, and without any cause shewn, were imprisoned, may we not think that his majesty at that time, would rather have staid their deliverance by law, than furthered it by his letters, and so make the prisoners rather beholden to him for his great mercy, than to the judges for justice, had not his majesty known that, at that time, they ought to have been delivered by law?

I think no man would imagine a wise king would have suffered his grace and prerogative (if any prerogative there were) to be so continually questioned; or his majesty and his council to be so far from commanding the judges not to proceed to deliver the prisoners by them committed, without cause shewn, as that on the other side, (which is all the force of these precedents) the king and council should signify to the judges, that they should proceed to deliver the parties!

Certainly, if the king had challenged any such prerogative, that a person committed, without any cause shewn, might not be delivered by the judges without his consent, it would have appeared, by one precedent or other,

amongst all that have been produced, that his majesty would have made some claim to such a prerogative; but it appears, on the contrary, that in many of these cases the king nor his council did ever interpose; and where they did, it was always in affirmation and encouragement to that court to proceed. And besides, the writing of letters from the king to the judges to do justice to his majesty's subjects, may, with as great reason, be interpreted, that without those letters, they might not do justice; as this, that the king signified his willingness that such and such persons, which were committed by him without cause shewn, should be delivered, therefore they could not be delivered without him; which is a strange reason. So that finding the laws so full, so many, and so plain in the point; and that whenever any committed without cause shewn, brought their *habeas corpus*, they were delivered, and no command ever given to the contrary, nor no claim made on the king's part to any such prerogative; I may safely conclude, as the house of commons have done; and if any one precedent or two, of late, can be shewn, that the judges have not delivered the prisoners so committed, I think it is their fault, and ought to be enquired of; but contrarily, it seems to me to be an undoubted right of the subject, that if he be committed without cause, or without cause shewn, yet he may have some speedy course to bring himself to trial, either to justify his own innocency, or to receive punishment according to his fault; for God forbid that an innocent man, by the laws of England, should be put in worse case than the most grievous malefactors are, as must needs be, if, when a cause is shewn, he may have his trial; but if none, he must lie and pine in prison during the king's pleasure.

Mr. Serjeant Ashley, the other day, told your lordships of the emblem of a king; but, by his leave, he made a wrong use of it: for the king holds in one hand the globe, and in the other the sceptre, the types of

sovereignty and mercy; but his sword of justice is ever carried before him by a minister of justice, which shews that subjects may have their remedies for injustice done, and that appeals lie to higher powers; for the laws of England are so favourable to their princes, as to declare that they themselves can do no injustice.

Therefore I will conclude, as all disputes should do, *magna est veritas et prævalebit;* and I make no doubt, we living under so good and just a prince as we do, when this is represented unto him, he will answer us, *magna est charta et prævalebit.*

SIR EDWARD COKE.

Sir Edward Coke's Speech against inserting the words "Sovereign Power," as applied to the Prerogative, in an Address to the Throne.

THIS is *magnum in parvo.* This is propounded to be a conclusion of our petition. It is a matter of great weight, and to speak plainly, it will overthrow all our petition; it trenches to all parts of it; it flies at loans, at the oath, at imprisonment, and at billetting of soldiers. This turns all about again. Look into all the petitions of former times; they never petitioned wherein there was a saving of the king's sovereignty. I know that prerogative is part of the law; but sovereign power is no parliamentary word. In my opinion it weakens *magna charta*, and all the statutes; for they are absolute, without any saving of sovereign power; and should we now add it, we shall weaken the foundation of law, and then the building must needs fall. Take we heed what we yield unto. *Magna charta* is such a fellow,

that he will have no sovereign. I wonder this sovereign was not in *magna charta*, or in the confirmations of it. If we grant this, by implication we give a sovereign power above all laws. Power in law is taken for a power with force; the sheriff shall take the power of the county; what it means here, God only knows. It is repugnant to our petition, that is a petition of right, grounded on acts of parliament. Our predecessors could never endure a *salvo jure suo*, no more than the kings of old could endure for the church, *salvo honore Dei et ecclesiæ*. We must not admit of it, and to qualify it is impossible. Let us hold our privileges according to the law: that power that is above this, is not fit for the king and people to have it disputed further. I had rather, for my part, have the prerogative acted, and I myself to lie under it, than to have it disputed.

FRANCIS ROUSE

Was a native of Cornwall. He represented Truro in the long parliament, was one of the lay members of the assembly of divines, and speaker of Barebon's parliament, and died in 1659. His speech against a Dr. Manwaring, who had written a flaming monarchical sermon, is so remarkable for its fanatical absurdity, and the uncouthness of the stile, that it certainly deserves a place in this collection, as a curiosity.

Mr. Rouse's Speech.

Mr. Speaker,

I AM to deliver, from the committee, a charge against Mr. Manwaring, a preacher and doctor of divinity; but a man so criminous, that he hath turned his titles into accusation, for the better they are, the worse is he that dishonours them.

Here is a great charge that is upon him ; it is great in itself, and great because it hath many great charges in it ; *serpens qui serpentem devorat, sit draco ;* his charge having digested many charges into it, becomes a monster of charges.

The main and great one is this : a plot and practice to alter and subvert the frame and fabric of this estate and commonwealth.

This is the great one, and it hath others in it that give it more weight. To this end.

1. He labours to infuse into the conscience of his majesty, the persuation of a power not bounding itself with laws, which king James, of famous memory, calls in his speech to the parliament, tyranny ; yea, tyranny accompanied with perjury.

2. He endeavours to persuade the conscience of the subjects, that they are bound to obey commands illegal : yea, he damns them for not obeying them.

3. He robs the subjects of the property of their goods.

4. He brands them that will not lose this property with most scandalous speech and odious titles, to make them both hateful to prince and people ; so to set a division between the head and the members, and between the members themselves.

5. To the same end, not much unlike to Faux and his fellows, he seeks to blow up parliaments and parliamentary powers.

These five, being duly viewed, will appear to be so many charges ; and they make up altogether the great and main charge—a mischievous plot to alter and subvert the frame and government of this state and commonwealth.

And now, though you may be sure that Mr. Manwaring leaves us no property in our goods, yet that he hath an absolute property in this charge, *audite ipsam belluam.* Hear himself making up his own charge.

Here Mr. Rouse read several passages out of his

book, and then proceeded: You have heard his charge made up by his own words, and withal, I doubt not but you seem to hear the voice of that wicked one, *quid dabitis*? what will you give me, and I will betray this state, kingdom and commonwealth?

But there are two observations (I might add a third, which is like unto a three-fold cord which cannot easily be broken,) will draw the charge more violently upon him.

The first is of the time when this doctrine of destruction was set forth. It was preached in the heat of the loan, and of these imprisonments which accompanied the loan, and it was printed in the beginning of that term, which ended in a *remittitur*; so that you might guess there might be a double plot, both by law and conscience, to set on fire the flame and estate of this commonwealth: and one of these entailed foxes was Mr. Manwaring.

Another note may be taken of the time, that is, the unseasonableness of it; for this doctrine of the loan, in case of necessity, was the year after an assent in parliament to four subsidies and three fifteenths, which might have served for a sufficient stopple for the doctor's mouth, to keep in his doctrine of necessity.

A second observation may be of the means by which he seeks to destroy the commonwealth: his means are divinity; yea, by his divinity he would destroy both king and kingdom.

1. The king—for can there be a greater mischief to a prince than to put the opinion of deity into his ears? For, if from his ears it should pass to his heart, it might be mortal: you know how Herod perished. Now this man gives a participation of divine omnipotence to kings; and though a part may seem to qualify, yet all doth seem again to fill up that qualification, and very dangerously, if we remember that God saith of himself: I am a jealous God.

2. He goes about to destroy the kingdom and com-

monwealth by his divinity; but do we ever find in scripture such a divinity? Surely I find there that God is a God of order, and not of confusion, and that the Son of God came to save, and not to destroy; by which it seems he hath not his divinity from God, nor from the Son of God. But from the scriptures, I find there is one in hell called the destroyer; and that we may know he went to hell for his divinity, he names sundry jesuits and friars with whom he consulted and traded for his divinity; but, not to bely even hell itself, the jesuits are honester than he, and if he had not brought more hell unto them than he found in them, he had never found this divinity which he hath brought forth: yea, in his quotations he hath used those shifts and falsehoods, for which boys are whipt in schools; and yet by them he thinks to carry the cause of a kingdom.

But, for a conclusion, to give the true character of this man, whom I never saw, I will shew it you by one whom I know to be contrary to him. Samuel we all know to be a true prophet; now we read of Samuel, that he writ the law of the kingdom in a book, and laid it up before the Lord; and this he did, as one of Mr. Manwaring's own authors affirms, that the king may know what to command, and the people what to obey. But Mr. Manwaring, finding the law of this kingdom written in books, tears it in pieces, and that in the presence of the Lord, in a pulpit, that the king may not know what to command, nor the people what to obey.

Thus Mr. Manwaring, being contrary to a true prophet, must needs be a false one; and the judgment of a false prophet belongs to him.

I have shewed you an evil tree, that bringeth forth evil fruit; and now it rests with you to determine whether the following sentence shall follow: Cut it down, and cast it into the fire!

SIR JOHN ELLIOTT.

The following is a noble instance of parliamentary eloquence; for the strength and closeness of the reasoning, for the clearness of the detail, for the earnestness of the stile, it is admirable: it in some places reminds one strongly of the clear, plain, convincing, irresistible appeals to Demosthenes to his hearers. There is no affectation of wit, no studied ornament, no display of fancied superiority; his whole heart and soul are in his subject, he is full of it; his mind seems as it were to surround and penetrate every part of it; nothing diverts him from his purpose, or interrupts the course of his reasoning for a moment. The force and connection of his ideas give vehemence to his expressions, and he convinces others, because he is thoroughly impressed with the truth of his own opinions. A certain political writer of the present day might be supposed to have borrowed his *dogged* stile from this speaker.

Mr. Speaker,

We sit here as the great council of the king, and in that capacity, it is our duty to take into consideration the state and affairs of the kingdom; and, when there is occasion, to give a true representation of them by way of counsel and advice, with what we conceive necessary or expedient for them.

In this consideration I confess many a sad thought hath affrighted me, and that not only in respect of our dangers from abroad, which yet I know are great, as they have been often prest and dilated to us; but in respect of our disorders here at home, which do inforce those dangers, and by which they are occasioned; for I believe I shall make it clear unto you, that both at first, the cause of these dangers were our disorders, and our disorders now are yet our greatest dangers; and not so much the potency of our enemies, as the weakness of

ourselves does threaten us: and that saying of the father may be assumed by us, *non tam potentia sua quam negligentia nostra.* Our want of true devotion to heaven, our insincerity and doubling in religion, our want of councils, our precipitate actions, the insufficiency or unfaithfulness of our generals abroad, the ignorance or corruptions of our ministers at home, the impoverishing of the sovereign, the oppression and depression of the subject, the exhausting of our treasures, the waste of our provisions, consumption of our ships, destruction of our men, these make the advantage to our enemies, not the reputation of their arms; and if in these there be not reformation, we need no foes abroad; time itself will ruin us.

To shew this more fully, I believe you will all hold it necessary, that they seem not an aspersion on the state, or imputation on the government, as I have known such motions misinterpreted; but far is this from me to propose, who have none but clear thoughts of the excellency of the king, nor can have other ends but the advancement of his majesty's glory. I shall desire a little of your patience extraordinary to open the particulars, which I shall do with what brevity I may, answerable to the importance of the cause and the necessity now upon us; yet with such respect and observation to the time, as I hope it shall not be thought troublesome.

For the first, then, our insincerity and doubling in religion is the greatest and most dangerous disorder of all others; this hath never been unpunished, and of this we have many strong examples of all states and in all times, to awe us. What testimony doth it want? Will you have authority of books? Look on the collections of the committee for religion; there is too clear an evidence. See then the commission procured for composition with the papists of the north: mark the proceedings thereupon, and you will find them to little less amounting than a toleration in effect; the slight payments, and the easiness in them, will likewise shew the favour that is in-

tended. Will you have proofs of men, witness the hopes, witness the presumptions, witness the reports of all the papists generally; observe the dispositions of commanders, the trust of officers, the confidence in secretaries to employments in this kingdom, in Ireland, and elsewhere. These all will shew it hath too great a certainty; and to this add but the incontrovertible evidence of that all powerful hand, which we have felt so sorely, that gave it full assurance; for as the heavens oppose themselves to us for our impiety, so it is we that first opposed the heavens.

For the second, our want of councils, that great disorder in a state, with which there cannot be stability. If effects may shew their causes, as they are often a perfect demonstration of them, our misfortunes, our disasters serve to prove it, and the consequences they draw with them. If reason be allowed in this dark age, the judgment of dependencies and foresight of contingencies in affairs do confirm it; for if we view ourselves at home, are we in strength, are we in reputation equal to our ancestors? If we view ourselves abroad, are our friends as many, are our enemies no more? Do our friends retain their safety and possessions? Do not our enemies enlarge themselves, and gain from them and us? To what counsel owe we the loss of the Palatinate, where we sacrificed both our honour and our men sent thither, stopping those greater powers appointed for that service, by which it might have been defensible. What counsel gave direction to the late action, whose wounds are yet bleeding; I mean the expedition to Rhee, of which there is yet so sad a memory in all men? what design for us, or advantage to our state could that import? You know the wisdom of your ancestors, and the practice of their times, how they preserved their safeties: we all know, and have as much cause to doubt as they had, the greatness and ambition of that kingdom, which the old world could not satisfy.* Against this greatness and ambition, we

* This seems to me very finely expressed, E.

likewise know the proceedings of that princess, that never to be forgotten, excellent queen, Elizabeth, whose name, without admiration, falls not into mention even with her enemies; you know how she advanced herself, and how she advanced the nation in glory and in state; how she depressed our enemies, and how she upheld her friends; how she enjoyed a full security, and made them our scorn, who now are made our terror!

Some of the principles she built on were these; and if I mistake, let reason and our statesmen contradict me.

First, to maintain, in what she might, an amity in France, that the kingdom being at peace within itself, might be a bulwark to keep back the power of Spain by land.

Next, to preserve an amity and league between that state and us, that so we might come in aid of the Low Countries, and by that means receive their ships and help them by sea.

This treble cord, so working between France, the States, and England, might enable us, as occasion should require, to give assistance unto others; and by this means, the experience of that time doth tell us, that we were not only free from those fears that now possess and trouble us, but then our names were fearful to our enemies. See now what correspondency our actions had with this; square our conduct by these rules; it did induce, as a necessary consequence, a division in France between the protestants and their king, of which there is too woeful and lamentable experience. It hath made an absolute breach between that state and us, and so entertains us against France, and France in preparation against us, that we have nothing to promise to our neighbours, nay, hardly to ourselves. Nay, observe the time in which it was attempted, and you shall find it not only varying from those principles, but directly contrary and opposite *ex diametro* to those ends, and such, as from the issue and success, rather might be thought a conception of Spain, than begotten here with us.

Here there was an interruption made by sir Humphry

May, (chancellor of the duchy, and one of the privy council,) expressing a dislike; but the house ordered Sir John Eliott to go on; whereupon he proceeded thus:

Mr. Speaker, I am sorry for this interruption, but much more sorry if there hath been occasion; wherein, as I shall submit myself wholly to your judgment, to receive what censure you should give me if I have offended, so, in the integrity of my intentions, and clearness of my thoughts, I must still retain this confidence, that no greatness shall deter me from the duties which I owe to the service of my king and country, but that, with a true English heart, I shall discharge myself as faithfully and as really, to the extent of my poor power, as any man whose honours or whose offices most strictly oblige him.

You know the dangers Denmark is in, and how much they concerned us; what in respect of our alliance and the country; what in the importance of the Sound; what an advantage to our enemies the gain thereof would be! what loss, what prejudice to us, by this disunion; we breaking upon France; France enraged by us; and the Netherlands at amazement between both! neither could we intend to aid that luckless king, whose loss is our disaster.

Can those now, that express their troubles at the hearing of these things, and have so often told us, in this place, of their knowledge in the conjectures and disjunctures of affairs, say, they advised in this? was this an act of council, Mr. Speaker? I have more charity than to think it, and unless they make a confession of it themselves, I cannot believe it.

For the next the insufficiency and unfaithfulness of our generals, (that great disorder abroad) what shall I say? I wish there were not cause to mention it; and but out of the apprehension of the danger that is to come, if the like choice hereafter be not prevented, I could willingly be silent; but my duty to my sovereign

my service to this house, and the safety and honour of my country, are above all respects; and what so nearly trenches to the prejudice of this, must not, shall not be forborn.

At Cadiz then, in that first expedition we made, when we arrived and found a conquest ready, the Spanish ships, I mean, fit for the satisfaction of a voyage, and of which some of the chiefest, then there themselves, have since assured me that the satisfaction would have been sufficient, either in point of honour or in point of profit: why was it neglected? Why was it not atchieved, it being of all hands granted, how feasible it was?

After, when with the destruction of some of our men, and with the exposition of some others, who (though their fortune since has not been such) by chance came off, when, I say, with the loss of our serviceable men, that unserviceable fort was gained, and the whole army landed, why was there nothing done? Why was there nothing attempted? if nothing was intended, wherefore did thy land? if there was a service, wherefore were they shipped again? Mr. Speaker, it satisfies me too much in this, when I think of their dry and hungry march into that drunken quarter, (for so the soldiers termed it) where was the period of their journey; so that divers of our men, being left as a sacrifice to the enemy, that labour was at an end.

For the next undertaking, at Rhee, I will not trouble you much, only this in short: was not that whole action carried against the judgment and opinion of those officers that were of the council? was not the first, was not the last, was not all, in the landing, in the intrenching, in the continuance there, in the assault, in the retreat, without their assent? Did any advice take place of such as were of the council? If there should be made a particular inquisition thereof, these things will be manifest, and more. I will not instance the manifesto that was made for the reason of these arms; nor by whom, nor in what manner, nor on what grounds it was

published, nor what effects it hath wrought, drawing, as it were, almost the whole world into league against us; nor will I mention the leaving of the wines, the leaving of the salt, which were in our possession, and of a value, as it is said, to answer much of our expence; nor that great wonder which no Alexander or Cæsar ever did, the enriching of the enemy by courtesies, when our soldiers wanted help; nor the private intercourse and parlies with the fort, which continually were held. What they intended may be read in the success; and upon due examination thereof, they would not want their proofs.

For the last voyage to Rochelle, there needs no observations, it is so fresh in memory; nor will I make an inference or corollary on all. Your own knowlege shall judge what truth, or what sufficiency they express. For the next, the ignorance and corruption of our ministers, where can you miss of instances? If you survey the court,-if you survey the country; if the church, if the city be examined; if you observe the bar, if the bench, if the ports, if the shipping, if the land, if the seas; all these will render you variety of proofs, and that, in such measure and proportion, as shews the greatness of our disease to be such, that if there be not some speedy application for remedy, our case is almost desperate.

Mr. Speaker, I fear I have been too long in these particulars that are past, and am unwilling to offend you, therefore in the rest I shall be shorter; and in that which concerns the impoverishing of the king, no other arguments will I use, than such as all men grant.

The exchequer, you know, is empty, and the reputation thereof gone; the ancient lands are sold; the jewels pawned; the plate engaged; the debts still great; almost all charges, both ordinary and extraordinary, borne up by projects: what poverty can be greater? what necessity so great? what perfect English heart is not almost dissolved into sorrow for this truth?

For the oppression of the subject, which, as I remember, is the next particular I proposed, it needs no demonstration; the whole kingdom is a proof; and for the exhausting of our treasures, that very oppression speaks it. What waste of our provisions, what consumption of our ships, what destruction of our men have been, witness that journey to Argiers—witness that with Mansfield—witness that to Cadiz—witness the next—witness that to Rhee—witness the last (I pray God we may never have more such witnesses;) witness likewise the Palatinate—witness Denmark—witness the Turks—witness the Dunkirkers—witness all. What losses we have sustained! how we are impaired in munition, in ships, in men!

It is beyond contradiction, that we were never so much weakened, nor ever had less hope how to be restored.

These, Mr. Speaker, are our dangers; these are they which do threaten us; and these are like the Trojan horse brought in cunningly to surprise us. In these do lurk the strongest of our enemies, ready to issue on us, and if we do not speedily expel them, these are the signs, these the invitations to others;—these will so prepare their entrance, that we shall have no means left of refuge or defence; for if we have these enemies at home, how can we strive with those that are abroad? if we be free from these, no other can impeach us: our ancient English virtue, like the old Spartan valour, cleared from these disorders, our being in sincerity of religion and once made friends with heaven; having maturity of councils, sufficiency of generals, incorruption of officers, opulency in the king, liberty in the people, repletion in treasure, plenty of provisions, reparation of ships, preservation of men—our ancient English virtue, I say, thus rectified, will secure us; and unless there be a speedy reformation in these, I know not what hopes or expectations we can have.

These are the things, sir, I shall desire to have taken

into consideration; that as we are the great council of the kingdom, and have the apprehension of these dangers, we may truly represent them unto the king; whereunto I conceive we are bound by a treble obligation, of duty to God, of duty to his majesty, and of duty to our country.

And therefore I wish it may so stand with the wisdom and judgment of the house, that they may be drawn into the body of a remonstrance, and in all humility expressed with a prayer unto his majesty, that for the safety of himself, for the safety of the kingdom, and for the safety of religion, he will be pleased to give us time to make perfect inquisition thereof, or to take them into his own wisdom, and there give them such timely reformation as the necessity and justice of the case doth import.

And thus, sir, with a large affection and loyalty to his majesty, and with a firm duty and service to my country, I have suddenly (and it may be with some disorder) expressed the weak apprehensions I have, wherein, if I have erred, I humbly crave your pardon, and so submit myself to the censure of the house.

SIR BENJAMIN RUDYARD.

Was member for Wilton. That which is here given is by far the best speech of his extant. It might pass for the heads of one of Burke's speeches, without the ornaments and without the elegance. It has all the good sense, and moral wisdom, only more plain and practical.

Sir Benjamin Rudyard's Speech in the Committee appointed to inquire into the State of Religion.

Mr. Pym, I did not think to have spoken to this bill, because I was willing to believe that the forwardness of

this committee would have prevented me; but now I hold myself bound to speak, and to speak in earnest.

In the first year of the king, and the second convention, I first moved for the increase and enlargement of poor ministers' livings. I shewed how necessary it was, though it had been neglected; this was also commended to the house by his majesty. There being then, as now, many accusations on foot against scandalous ministers, I was bold to tell the house, that there was also scandalous livings, which were much the cause of the other. Livings of five pounds, nay, even five marks a year; that men of worth and parts would not be muzzled up to such pittances; that there were some such places in England, as were scarce in all christendom beside, where God was little better known than amongst the Indians. I exampled it in the utmost skirts of the north, where the prayers of the common people are more like spells and charms than devotions. The same blindness and ignorance is in divers parts of Wales, which many in that country do both know and lament.

I also declared, that to plant good ministers was the strongest and surest means to establish true religion; that it would prevail more against papistry, than the making of new laws, or executing of old: that it would counterwork court connivance and luke-warm accommodation; that though the calling of ministers be never so glorious within, the outward poverty will bring contempt upon them, especially among those who measure them by the ounce, and weigh them by the pound, which indeed is the greatest part of men.

Mr. Pym, I cannot but testify how, being in Germany, I was exceedingly scandalized to see the poor stipendiary ministers of the reformed churches there, despised and neglected by reason of their poverty, being otherwise very grave and learned men. I am afraid this is a part of the burthen of Germany, which ought to be a warning to us.

I have heard many objections and difficulties, even to impossibilities against this bill. To him that is unwilling to go, there is ever a bear or a lion in the way. First, let us make ourselves willing, then will the way be easy and safe enough.

I have observed, that we are always very eager and fierce against papistry, against scandalous ministers, and against things which are not so much in our power. I should be glad to see that we did delight as well in rewarding as in punishing, and in undertaking matters within our reach, as this is absolutely within our power. Our own duties are next us, other men's further off. I do not speak this, that I do mislike the destroying and pulling down of that which is ill, but then let us be as earnest to plant and build up that which is good in the room of it. The best and the greatest way to dispel darkness, and the deeds thereof, is to let in light; we say that day breaks, but no man can ever hear the noise of it; God comes in the still voice; let us quickly mend our candlesticks, and we shall not want lights.

I am afraid this backwardness of ours will give the adversary occasion to say, that we chose our religion because it is the cheaper of the two, and that we would willingly serve God with somewhat that cost us nought; believe it, Mr. Pym, he that thinks to save any thing by his religion, but his soul, will be a terrible loser in the end. We sow so sparingly, and that is the reason we reap so sparingly, and have no more fruit. Methinks, whosoever hates papistry, should, by the same rule hate covetousness, for that is idolatry too. I never liked hot professions and cold actions; such a heat is rather the heat of a distemper and disease, than of life and saving health.

For scandalous ministers, there is no man shall be more forward to have them severely punished than I will be: when salt has lost its savour, fit it is to be cast on that unsavoury place, the dunghill. But, sir, let us deal with them as God hath dealt with us: God, before he

made man, made the world, a handsome place for him to dwell in; so let us provide them some convenient livings, and then punish them in God's name; but till then, scandalous livings cannot but have scandalous ministers. It shall ever be a rule to me, that when the church and commonwealth are both of one religion, it is comely and decent that the outward splendour of the church should hold a proportion, and participate with the prosperity of the temporal state; for why should we dwell in houses of cedar, and suffer God to dwell in tin? It was a glorious and religious work of king James, and I speak it to his unspeakable honour, and to the praise of that nation, who (though that country be not so rich as ours, yet are they richer in their affections to religion) within the space of one year caused churches to be planted through all Scotland, the highlands and borders, worth 30l. a-year a piece, with a house and some glebe belonging to them; with 30l. a-year, considering the cheapness of the country, and the modest fashion of ministers living there, is worth double as much as any where within a hundred miles of London. The printed act and commission whereby it may be executed, I have here in my hand, delivered unto me by a noble gentleman of that nation, and a worthy member of this house, Sir Francis Stuart.

To conclude, although christianity and religion be established generally throughout this kingdom, yet, until it be planted more particularly, I shall scarce think this a christian commonwealth; seeing it hath been moved in parliament, it will lie heavy upon parliaments, until it be effected.

Let us do something for God here of our own, and no doubt God will bless our proceedings in this place the better for ever hereafter; and for my own part I will never give over soliciting this cause, as long as parliaments and I shall live together.

SIR ROBERT PHILIPS.

This gentleman was not one of those who make speeches out of mere parade and ostentation; he never spoke but when he was in earnest, nor indeed till he was in a downright passion.

Sir Robert Philip's Speech on the Dissolution of the Parliament.

I PERCEIVE, that towards God and towards man, there is little hope, after our humble and careful endeavours, seeing our sins are so many and so great. I consider my own infirmities, and if ever my passions were wrought upon, it is now. This message stirs me up, especially when I remember with what moderation we have proceeded. I cannot but wonder to see the miserable strait we are now in—what have we not done to have merited better? Former times have given wounds enough to the people's liberty; we came hither full of wounds, and we have cured what we could; yet what is the return of all, but misery and desolation! what did we aim at, but to have served his majesty, and to have done that which would have made him great and glorious? if this be a fault, then we are all criminous. What shall we do, since our humble purposes are thus prevented, which were not to have laid any aspersion on the government; for they tended to no other end, but to give his majesty true information of his and our danger; and to this we are enforced out of a necessary duty to the king, our country, and to posterity; but we being stopped, and stopped in such a manner as we are now enjoined, must leave to be a council. I hear this with that grief as the saddest message of

the greatest loss in the world. But let us still be wise, be humble; let us make a fair declaration to the king.

Let us presently inform his majesty, that our firm intents were to shew him in what danger the commonwealth and state of christendom stands, and therefore, since our councils are no better acceptable, let us beg his majesty's leave, every man, to depart home, and pray to God to divert those judgments and dangers which too fearfully and imminently hang over our heads.

EDMUND WALLER

(The celebrated Poet,)

Was born 1605, and died in 1687. He was member for St. Ives. At first he was hostile to the court; but he seems to have been very wavering and undecided in his political opinions, and changed his party very often, according to his whim or convenience. I do not think there is any thing in the following speech very excellent, either for the matter or manner of it.

Mr. Waller's Speech on the Supply.

Mr. Speaker,

I WILL use no preface, as they do who prepare men for something in which they have a particular interest. I will only propose what I conceive fit for the house to consider, and shall be no more concerned in the event than they that shall hear me.

Two things I observe in his majesty's demands; first, the supply, secondly, your speedy dispatch thereof.

Touching the first, his majesty's occasions for money are but too evident: for to say nothing how we are neglected abroad, and distracted at home, the calling of this parliament, and our sitting here (an effect which

no light cause in these times hath produced) is enough to make any reasonable man believe, that the exchequer abounds not so much with money, as the state doth in occasions to use it; and I hope we shall appear willing to disprove those who have thought to dissuade his majesty from this way of parliaments as uncertain, and to let him see that it is as ready and more safe for the advancement of his affairs, than any new or pretended old way whatsoever.

For the speedy dispatch required, which was the second thing, not only his majesty but *res ipsa loquitur*. The occasion seems to importune no less; necessity is come upon us like an armed man.

The use of parliaments heretofore, as appears by the writs that call us hither, was to advise with his majesty, of things concerning the church and commonwealth. And it hath ever been the custom of parliaments, by good and wholesome laws, to refresh the commonwealth in general, yea, and to descend into the remedies of particular grievances, before any mention made of a supply. Look back upon the best parliaments, and still you shall find, that the last acts are for the free gifts of subsidies on the people's part, and general pardons on the king's part. Even the wisest kings have first acquainted their parliaments with their designs, and the reasons thereof, and then demanded the assistance both of their counsel and purses. But physicians, though they be called of the latest, must not stomach it, or talk what might have been, but apply themselves roundly to the cure. Let us not stand too nicely upon circumstances, nor too rigidly postpone the matter of supply to the healing of our lighter wounds. Let us do what possibly may be done, with reason and honesty on our part, to comply with his majesty's desires, and to prevent the imminent evils that threaten us; consider that they who think themselves already undone, can never apprehend themselves in danger, and they that have nothing left can never give freely; nor shall we ever discharge the trust

of those that sent us hither, or make them believe that they contribute to their own defence and safety, unless his majesty be pleased first to restore them to the property of their goods and lawful liberties whereof they esteem themselves now out of possession. One need not tell you that property of goods is the mother of courage, and the nurse of industry; it makes us valiant in war, and industrious in peace. The experience I have of former parliaments, and my present observation of the care the country has had to chuse persons of worth and courage, make me think this house like the Spartans, whose forward valour required some softer music to allay and quiet their spirits, too much moved with the sound of martial instruments. 'Tis not the fear of imprisonment, or if need be, of death itself, can keep a true hearted Englishman from the care, to leave this part of his inheritance as entire to his posterity, as he received it from his ancestors.

This therefore let us first do, and that speedily, that we may come to the matter of supply. Let us give new force to the old laws, which have been heretofore for the maintaining of our rights and privileges, and endeavour to restore this nation to its fundamental and vital liberties, the property of our goods, and the freedom of our persons; no way doubting, but that we shall find his majesty as gracious and ready as any of his royal progenitors have been, to grant our just desires therein. For not only the people do think, but the wisest do know, that what we have suffered in this long vacancy of parliaments, we have suffered from his ministers; that the person of no king was ever better beloved of his people, and yet that no people were ever less satisfied with the present ways of levying money. These are two truths which may serve, the one to demonstrate the other; for such is the opposition to the present courses, that neither the admiration they have of his majesty's natural inclination to justice and clemency, nor the pretended consent of the judges, could make them willingly submit

themselves to this late tax of ship money; and such is their natural love and just esteem of his majesty's goodness, that no late pressure could provoke them, nor any example invite them, to disloyalty or disobedience. What is it, then, that hath bred this misunderstanding betwixt the king and his people? How is it that, having so good a king, we have so much to complain of? Why, Mr. Speaker, we are told of the son of Solomon, that he was a prince of a tender heart, and yet by the advice of violent counsellors how rough an answer he gave to his people,—that his fingers should be as heavy as his father's loins: this was not his own, but the voice of some persons about him, that wanted the gravity and moderation requisite for the counsellors of a young king.

I wonder at those that seem to doubt the success of this parliament, or that the misunderstanding between the king and his people should last any longer, when now they are so happily met. His majesty's wants are not so great, but that we may find means to supply him, nor our desires so unreasonable or incompatible with government, but that his majesty might well satisfy them; for our late experience, I hope, will teach us what rocks to shun, and how necessary the use of moderation is; and for his majesty, he has had experience enough how that prospers which is gotten without the concurrent good will of his people: never more money taken from the subject, never more want in the inchequer. If we look upon what has been paid, it is more than usually the people of England were wont to pay in such a time. If we look upon what has been effected therewith, it shews as if never king had been worse supplied; so that we seem to have endeavoured the filling of a sieve with water. Whosoever gave advice for these courses, has made good the saying of the wise man, *Qui conturbat domum suam, possidebit ventum.* By new ways they think to accomplish wonders, but, in truth, they grasp the wind, and are at the same time cruel to us and to the king too; for let the commonwealth flou-

rish, and then he that hath the sovereignty can never want nor do amiss; so as he governs not according to the interest of others, but goes the shortest and easiest way to his own and the common good.

The kings of this nation have always governed by parliament; and if we look upon the success of things since parliaments were laid by, it resembles that of the Grecians.

Ex illo fluere & retro sublapsæ referri,
Res Danaum——

especially on the subjects' parts; for though the king hath gotten little, they have lost all. But his majesty shall now hear the truth from us; and we shall make appear the errors of divines, who would persuade us that a monarch must be absolute, and that he may do all things *ad libitum;* receding not only from their text, though that be a wandering too, but from the way their own profession might teach them; *stare super vias antiquas*, and not to remove the ancient bounds and landmarks, which our fathers have set. If to be absolute were to be restrained by no laws, then can no king in christendom be so; for they all stand obliged to the laws christian, and we ask no more; for to this pillar is our government fixed; our kings, at their coronation, taking a sacred oath to secure us.

I am sorry these men take no more care to gain our belief of those things, which they tell us for our soul's health, while we know them so manifestly in the wrong in that which concerns the liberties and privileges of the subjects of England; but they gain preferment, and then it is no matter though they neither believe themselves, nor are believed by others; yet, since they are so ready to let loose the conscience of their king, we are the more carefully to provide for our protection against this pulpit law, by declaring and reinforcing the municipal laws of the kingdom. It is worthy the observing, how new this opinion, or rather this way of rising is, even amongst

themselves; for Mr. Hooker, who was no refractory man, (as they term it) thinks, that the first government was arbitrary, until it was found, that to live by one man's will, became all men's misery. These are his words, concluding, that this was the original of inventing laws: and if we look further back, our histories will tell us, that the prelates of this kingdom have often been the mediators between the king and his subjects, to present and pray redress of their grievances; and had reciprocally, then, as much love and reverence from the people; but these preachers, more active than their predecessors, and wiser than the laws, have found out a better form of government.

The king must be a more absolute monarch than any of his predecessors; and to them he must owe it, though in the mean time they hazard the hearts of his people, and involve him in a thousand difficulties: for suppose this form of government were inconvenient, (and yet this is but a supposition, for, during these five hundred years, it hath not only maintained us in safety, but made us victorious over other nations:) I say, suppose they have an idea of one more convenient; we all know how dangerous innovations are, though to the better; and what hazard those princes must run, that enterprize the change of a long established government! Now, of all our kings that have gone before, and of all that are to succeed in this happy race, why should so pious and so good a king be exposed to this trouble and hazard? besides that, kings so diverted can never do any great matter abroad. But whilst these men have thus bent their wits against the laws of their country, whether they have not neglected their own province, and what tares are grown up in the field which they should have tilled, I leave to a second consideration; not but that religion ought to be the first thing in our purposes and desires, but that which is first in dignity is not always to precede in order of time: for well being supposes a being; and the first impediment which men naturally

endeavour to remove, is the want of those things without which they cannot subsist.

God first assigned to Adam maintenance of life, and gave him a title to the rest of the creatures, before he appointed him a law to observe; and let me tell you, that if our adversaries have any such design, as there is nothing more easy than to impose a religion on a people deprived of their liberties, so there is nothing more hard, than to do the same upon free men.

And therefore, Mr. Speaker, I conclude with this motion, That there may be an order presently made, that the first thing this house will consider of, shall be the restoring of this nation in general to their fundamental and vital liberties, the property of our goods, and freedom of our persons; and that then we will forthwith consider of the supply desired.

Thus shall we discharge the trust reposed in us, by those that sent us hither; his majesty will see that we make more than ordinary haste to satisfy his demands; and we shall let all those know, that seek to hasten the matter of supply, that they will so far delay it, as they give interruption to the former.

LORD GEORGE DIGBY,

(Son of the first Earl of Bristol,)

Was born in 1612, and died in 1676. He was member for Dorsetshire in the long parliament. He at first opposed the court, but afterwards joined the royal party, and was expelled.

Lord Digby's Speech on Frequent Parliaments.

Mr. Speaker,

I RISE not now with an intent to speak to the frame and structure of this bill, nor much by way of answer

to objections that may be made; I hope there will be no occasion for this, but that we shall concur all, unanimously, in what concerns all so universally.

Only, sir, by way of preparation, to the end that we may not be discouraged in this great work, by difficulties that may appear in the way of it, I shall deliver unto you my apprehensions in general, of the vast importance and necessity that we should go through with it.

The result of my sense is in short this, that unless there be some such course settled for the frequent convening of parliaments, as may not be eluded, neither the people can be prosperous and secure, nor the king himself solidly happy. I take this to be the *unum necessarium*. Let us procure this, and all our other desires will effect themselves. If this bill miscarry, I shall have no public hopes left me; and, once past, I shall be freed of all public fears.

The essentialness, sir, of frequent parliaments to the happiness of this kingdom, might be inferred unto you by the reason of contraries, and from the woful experience which former times have had of the mischievous effects of any long intermission of them.

But, Mr. Speaker, why should we climb higher than the level we are on, or think further than our horizon; or have recourse for examples in this business to any other promptuary than our own memories; nay, than the experience almost of the youngest here.

The reflection backward on the distractions of former times upon intermission of parliaments, and the consideration forward of the mischiefs likely still to grow from the same cause, if not removed, doubtlessly gave first life and being to those two dormant statutes of Edward III. for the yearly holding of a parliament; and shall not the fresh and bleeding experience in the present age, of miseries from the same spring, not to be paralleled in any other, obtain a wakening, a resurrection for them?

The intestine distempers, sir, of former ages upon the

want of parliaments, may appear to have had some other co-operative causes; as sometimes unsuccessful wars abroad, sometimes the absence of the prince, sometimes competitions of titles to the crown, sometimes perhaps the vices of the king himself.

Let us only consider the posture, the aspect of this state, both towards itself and the rest of the world, the person of our sovereign, and the nature of our suffering, since the third of his reign; and there can be no cause, colourably inventible, whereunto to attribute them, but the intermission, or, which is worse, the undue frustration of parliaments, by the unlucky use, if not abuse of prerogative, in dissolving them. Take into your view, Mr. Speaker, a kingdom in a state of the greatest quiet and security that can be fancied, not only enjoying the calmest peace itself, but to improve and secure its happy condition, all the rest of the world at the same time in tempests, in combustions, in uncomposable wars.

Take into your view, sir, a king, sovereign of three kingdoms, by a concentring of all the royal lines in his person, as indisputably as any mathematical ones in Euclid; a king, firm and knowing in his religion, eminent in virtue; a king, that hath in his own time given all the rights and liberties of his subjects a more clear and ample confirmation, freely and graciously, (I mean in the petition of right) than any of his predecessors, (when the people had them at advantage,) extortedly. This is one map of England, Mr. Speaker.

A man, sir, that should present unto you now, a kingdom, groaning under that supreme law, which *salus populi periclitata* would enact; the liberty, the property of the subject fundamentally subverted, ravished away by the violence of a pretended necessity; a triple crown shaking with distempers; men of the best conscience ready to fly into the wilderness for religion! Would not one swear that this were the antipodes to the other? And yet, let me tell you, Mr. Speaker, this is a map of England too, and both at the same time but too true.

As it cannot be denied, Mr. Speaker, that since the conquest, there hath not been in this kingdom a fuller concurrence of all circumstances in the former character, to have made a kingdom happy, than for these twelve years last past; so it is most certain, that there hath not been in all that deduction of ages such a conspiracy, if one may so say, of all the elements of mischief in the second character, to bring a flourishing kingdom, if it were possible, to swift ruin and desolation.

I will be bold to say, Mr. Speaker, (and I thank God, we have so good a king, under whom we may speak boldly of the abuse of his power by ill ministers, without reflection upon his person,) that an accumulation of all the public grievances since *magna charta*, one upon another, unto that hour in which the petition of right past into an act of parliament, would not amount to so oppressive, I am sure not to so destructive, a height and magnitude, to the rights and property of the subject, as one branch of our beslaving since the petition of right! The branch I mean is the judgment concerning ship money.

This being a true representation of England, in both aspects, let him, Mr Speaker, that (for the unmatched oppression and enthralling of free subjects, in a time of the best king's reign, and in memory of the best laws enacted in favour of subjects' liberty) can find a truer cause than the ruptures and intermission of parliaments, let him, I say, and him alone, be against the settling of this inevitable way for the frequent holding of them.

'Tis true, sir, wicked ministers have been the proximate causes of our miseries; but the want of parliaments, the primary, the efficient causes; ill ministers have made ill times; but that, sir, hath made ill ministers.

I have read, among the laws of the Athenians, a form of recourse,* in their oaths and vows of their greatest and public concernment, to a threefold deity: *Supplicium*

* Address.

exauditori, purgatori, malorum depulsori. I doubt not but we, here assembled for the commonwealth in this parliament, shall meet with all these attributes in our sovereign. I make no question but he will graciously hear our supplications, purge away our grievances, and expel malefactors; that is, remove ill ministers, and put good in their places. No less can be expected from his wisdom and goodness.

But let me tell you, Mr. Speaker, if we partake not of one attribute more in him; if we address not ourselves unto that, I mean *bonorum conservatori*, we can have no solid, no durable comfort in all the rest; for let his majesty hear our complaints never so compassionately; let him purge away our grievances never so efficaciously; let him punish and dispel ill ministers never so exemplarily; let him make choice of good ones never so exactly; yet if there be not a way settled to preserve and keep them good, the mischiefs and they will grow again like Sampson's locks, and pull down the house upon our heads. Believe it, Mr. Speaker, they will.

It hath been a maxim among the wisest legislators, that whosoever means to settle good laws, must proceed in them with a sinister opinion of all mankind, and suppose that whosoever is not wicked, it is for want only of the opportunity.

It is that opportunity of being ill, Mr. Speaker, that we must take away, if ever we mean to be happy; which can never be done, but by the frequency of parliaments.

No state can wisely be confident of any public minister's continuing good, longer than the rod is over him.

Let me appeal to all those that were present in this house, at the agitation of the petition of right; and let them tell us truly, of whose promotion to the management of affairs do they think the generality would at that time have had better hopes, than of the late Mr. Noy and sir Thomas Wentworth both being at that

time and in that business, as I have heard, most keen and active patriots, and the latter of them (to the eternal aggravation of his infamous treachery to the commonwealth be it spoken) the first mover and insister to have this clause added to the petition of right: That, for the comfort and safety of his majesty's subjects, he would be pleased to declare his will and pleasure, that all his ministers should serve him according to the laws and statutes of the realm.

And yet, Mr. Speaker, to whom now can all the inundations upon our liberties, under pretence of law, and the late shipwreck, at once, of all our property, be attributed more than to Noy? and those, and all other mischiefs whereby this monarchy hath been brought almost to the brink of destruction, so much to any as to that grand apostate to the commonwealth, the now lieutenant of Ireland?

The first, I hope, God hath forgiven in the other world, and the latter must not hope to be pardoned in this, till he be dispatched to the other.

Let every man but consider those men as once they were. The excellent law for the security of the subject, enacted immediately before their coming into employment, in the contriving whereof themselves were principal actors; the goodness and virtue of the king they served, and yet the high and public oppressions that in his time they have wrought; and surely there is no man but will conclude with me, that, as the deficience of parliaments hath been the *causa causarum* of all the mischiefs and distempers of the present times, so the frequency of them is the sole catholic antidote that can preserve and secure the future from the like.

Mr. Speaker, let me yet draw my discourse a little nearer to his majesty himself, and tell you, that the frequency of parliaments is most essentially necessary to the power, the security, the glory of the king.

There are two ways, Mr. Speaker, of powerful rule, either by fear or love; but only one of happy and safe

rule, that is, by love; that *firmissimum imperium quo obedientes gaudent* :—To this Camillus advised the Romans. Let a prince consider what it is that moves a people principally to affection and dearness towards their sovereign, he shall see that there needs no other artifice in it than to let them enjoy, unmolestedly, what belongs unto them of right: if that hath been invaded and violated in any kind, whereby affections are alienated, the next consideration for a wise prince, that would be happy, is how to regain them; to which three things are equally necessary.

Re-instating them in their former liberty.

Avenging them of the authors of those violations. And,

Securing them from apprehensions of the like again.

The first, God be thanked, we are in a good way of. The second in warm pursuit of. But the third, as essential as all the rest 'till we be certain of triennial parliaments at the least, I profess I can have but cold hopes of. I beseech you then, since that security for the future is so necessary to that blessed union of affections, and this bill so necessary to that security, let us not be so wanting to ourselves, let us not be so wanting to our sovereign, as to forbear to offer unto him this powerful, this everlasting philter, to charm unto him the hearts of his people, whose virtue can never evaporate.

There is no man, Mr. Speaker, so secure of another's friendship, but will think frequent intercourse and access very requisite to the support, to the confirmation of it; especially if ill offices have been done between them; if the raising of jealousies have been attempted.

There is no friend but would be impatient to be debarred from giving his friend succour and relief in his necessities.

Mr. Speaker, permit me the comparison of great things with little; what friendship, what union can there be so comfortable, so happy, as between a gracious sovereign and his people? and what greater misfortune can there be to both, than to be kept from intercourse, from

the means of clearing misunderstandings, from interchange of mutual benefits ?

The people of England, sir, cannot open their ears, their hearts, their mouths, or their purses to his majesty, but in parliament :—we can neither hear him, nor complain, nor acknowledge, nor give, but there.

This bill, sir, is the sole key that can open the way to a frequency of those reciprocal endearments, which must make and perpetuate the happiness of the king and kingdom.

Let no man object any derogation from the king's prerogative by it. We do but present the bill ; it is to be made a law by him. His honour, his power, will be as conspicuous in commanding at once that parliaments shall assemble every third year, as in commanding a parliament to be called this or that year. There is more of majesty in ordaining primary and universal causes, than in the actuating particularly of subordinate effects.

I doubt not but that glorious king Edward III. when he made those laws for the yearly calling of parliaments, did it with a right sense of his dignity and honour.

The truth is, sir, the kings of England are never in their glory, in their splendor, in their majestic sovereignty, but in parliament.

Where is the power of imposing taxes ? where is the power of restoring from incapacities ? where is the legislative authority ? why, marry, in the king, Mr. Speaker—but how ? in the king, circled in, fortified, and evirtuated by his parliament.

The king, out of parliament, hath a limited, a circumscribed jurisdiction. But waited on by his parliament, no monarch of the East is so absolute in dispelling grievances.

Mr. Speaker, in chasing ill ministers, we do but dissipate clouds that may gather again ; but in voting this bill, we shall contribute, as much as in us lies, to the perpetuating our sun, our sovereign, in his vertical, in his noon day lustre.

SIR JOHN WRAY,

(Member for Lincolnshire.)

His speech is chiefly remarkable for the *great* simplicity of the style, and as an instance of the manner in which an honest country gentleman, without much wit or eloquence, but with some pretensions to both, might be supposed to express himself at this period.

Sir John Wray's Speech.

Mr. Speaker,

I TAKE it we have now sat in this great council fifteen or sixteen weeks; a longer time than any parliament hath done these many years: God hath given us a fair and blessed opportunity, if we lay hold of it, and call to mind the best motto for a parliament, which is, *non quam diu, sed quam bene.*

Mr. Speaker, we have had thus long, under our fathers, many ostrich eggs, which, as some observe, are longest in hatching, but once hatched, can digest iron; and we have many irons in the fire, and have hammered some upon the anvil of justice into nails; but we have not struck one stroke with the right hammer, nor riveted one nail to the head.

Mr. Speaker, God forbid we should be cruel or vindictive to any; but let us take heed we be not so to ourselves, and them that sent us, if we do not mend our pace, and so run as we may obtain.

Mr. Speaker, I hope we shall make good the work we have undertaken, and win that prize and goal we aim at; else, if we fail in this our pursuit of justice, it is time to look about us: for then I fear we ourselves shall hardly escape scot free. It will not be our six subsidies that will help us, unless we be good husbands, and cut

off all superfluous charges, disband all needless armies, disarm all papists, and banish all priests and jesuits; and then we shall thrive and prosper.

Provided always, that we deny ourselves, and trust not too much in the arm of flesh; but be careful to preserve brotherly love and concord, lest discord and faction, break, divide, and ruin us. But I hope God will make us all of one mind and one public spirit, that, as we are descended from that ancient and noble English quiver, we may prove ourselves a right sheaf of English arrows, well united, well feathered, and sharply filed for public use, stoutly to defend and preserve the public good and safety of this famous island of Great Britain—and that is my humble prayer and motion.

LORD DIGBY.

We are now upon the point of giving, (as much as in us lies) the final sentence unto death or life, on a great minister of state, and peer of this kingdom, Thomas, earl of Strafford; a name of hatred in the present age, by his practices, and fit to be made a terror to future ages by his punishment.

I have had the honour to be employed by the house in this great business, from the first hour that it was taken into consideration. It was a matter of great trust, and I will say with confidence, that I have served the house in it not only with industry, according to my ability, but with most exact faithfulness and justice.

And as I have hitherto discharged my duty to this house, and to my country, in the progress of this great cause, so I trust I shall do now in the last period of it, to God and to a good conscience. I do wish the peace of that unto myself, and the blessings of Almighty God to me and my posterity, according as my judgment on the life of this man shall be consonant with my heart, and the best of my understanding, in all integrity.

I know well, Mr. Speaker, that by some things I have said of late, whilst this bill was in agitation, I have raised some prejudices upon me in the cause. Yea, some (I thank them for their plain dealing) have been so free as to tell me, that I have suffered much by the backwardness I have shewn in the bill of attainder of the earl of Strafford, against whom I have formerly been so keen, so active.

I beg of you and the rest, but a suspension of judgment concerning me, till I have opened my heart unto you, clearly and freely, in this business. Truly, sir, I am still the same in my opinion and affections, as to the earl of Strafford. I confidently believe him to be the most dangerous minister, the most insupportable to free subjects, that can be charactered. I believe his practices in themselves as high, as tyrannical as any subject ever ventured on, and the malignity of them hugely aggravated by those rare abilities of his, whereof God hath given him the use, but the devil the application. In a word, I believe him to be still that grand apostate to the commonwealth, who must not expect to be pardoned in this world, till he be dispatched to the other. And yet let me tell you, Mr. Speaker, my hand must not be to that dispatch. I protest, as my conscience stands informed, I had rather it were off.

Let me unfold to you the mystery, Mr. Speaker: I will not dwell much upon justifying unto you my seeming variance at this time, from what I was formerly, by putting you in mind of the difference between prosecutors and judges. How misbecoming that fervour would be in a judge, which, perhaps, was commendable in a prosecutor. Judges we are now, and must put on another personage. It is honest and noble to be earnest, in order to the discovery of truth; but when that hath been brought so far as it can to light, our judgment thereupon ought to be calm and cautious. In prosecution upon probable grounds, we are accountable only for our industry or remissness; but in judgment we are deeply responsible to God Almighty for its rectitude or obliquity. In

cases of life, the judge is God's steward of the party's blood, and must give a strict account for every drop.

But as I told you, Mr. Speaker, I will not insist long upon this ground of difference in me now, from what I was formerly.

The truth of it is, sir, the same ground whereupon I, with the rest of the few to whom you first committed the consideration of my lord Strafford, brought down our opinion that it was fit he should be accused of treason; upon the same ground I was engaged with earnestness in his prosecution; and had the same ground remained in that force of belief with me, which till very lately it did, I should not have been tender in his condemnation. But truly, sir, to deal plainly with you, that ground of our accusation, that spur to our prosecution, and that which should be the basis of my judgment of the earl of Strafford as to treason, is, to my understanding, quite vanished away.

This it was, Mr. Speaker; his advising the king to employ the army in Ireland to reduce England. This I was assured would be proved before I gave my consent to his accusation. I was confirmed in the same belief, during the prosecution, and fortified most of all in it, since sir Henry Vane's preparatory examination, by assurances which that worthy member, Mr. Pymme, gave me, that his testimony would be made convincing by some notes of what passed at the juncto, concurrent with it; which I ever understanding to be of some other counsellor, you see now, prove but a copy of the same secretary's notes, discovered and produced in the manner you have heard; and those such disjointed fragments of the venemous part of discourses; no results, no conclusions of councils; which are the only things that secretaries should register; there being no use of the other, but to accuse and bring men into danger.

But, sir, this is not that which overthrows the evidence with me concerning the army in Ireland, nor yet that all the rest of the juncto remember nothing of it; but this,

sir, which I shall tell you, is that which works with me under favour, to an utter overthrow of his evidence, as unto that of the army of Ireland. Before, whilst I was prosecutor, and under tie of secrecy, I might not discover any weakness of the cause, which now, as a judge I must. Mr. Secretary was examined thrice upon oath, at the preparatory committee. The first time he was questioned to all the interrogatories; and to that part of the seventh which concerns the army in Ireland, he said positively these words: "I cannot charge him with that," but for the rest, he desired time to recollect himself, which was granted him.

Some days after, he was examined a second time, and then deposed these words concerning the king's being absolved from rules of government, and so forth, very clearly. But being pressed to that part concerning the Irish army, again, he said he could say nothing to that.

Here we thought we had done with him till divers weeks after, *my lord of Northumberland*, and all others *of the juncto*, denying to have heard any thing concerning those words of reducing England by the Irish army, it was thought fit to examine the secretary once more; and then he deposed these words to have been spoken by the earl of Strafford to his majesty: "You have an army in Ireland which you may employ here to reduce, (or some words to that sense) this kingdom." Mr. Speaker, these are the circumstances which I confess, with my conscience, thrust quite out of doors that grand article of our charge concerning his desperate advice to the king, of employing the Irish army here.

Let not this, I beseech you, be driven to an aspersion upon Mr. Secretary, as if he should have sworn otherwise than he knew or believed; he is too worthy to do that; only let this much be inferred from it, that he, who twice upon oath, with time of recollection, could not remember any thing of such a business, might well, a third time, misremember, somewhat; and in this business the difference of one word, here for there, or that for this, quite

alters the case; the latter also being the more probable, since it is confessed on all hands, that the debate then was concerning a war with Scotland. And you may remember, that at the bar, he once said "employ *there*." And thus, Mr. Speaker, have I faithfully given you an account what it is that hath blunted the edge of the hatchet, or bill, with me, towards my lord Strafford.

This was that whereupon I accused him with a free heart, prosecuted him with earnestness; and had it to my understanding been proved, should have condemned him with innocence; whereas now I cannot satisfy my conscience to do it. I profess I can have no notion of any body's intent to subvert the laws treasonably, but by force; and this design of force not appearing, all his other wicked practices cannot amount so high with me.

I can find a more easy and more natural spring from whence to derive all his other crimes; than from an intent to bring in tyranny, and to make his own posterity, as well as us, slaves; as from revenge, from pride, from passion, and from insolence of nature.

But had this of the Irish army been proved, it would have diffused a complexion of treason over all; it would have been a withe indeed, to bind all those other scattered and lesser branches, as it were, into a faggot of treason.

I do not say but the rest may represent him a man as worthy to die, and perhaps worthier, than many a traitor, I do not say but they may justly direct us to enact that they shall be treason for the future.

But God keep me from giving judgment of death on any man, and of ruin to his innocent posterity, upon a law made *a posteriori*.

Let the mark be set on the door where the plague is, and then let him that will enter, die.

I know, Mr. Speaker, there is in parliament, a double power of life and death by bill; a judicial power, and a legislative. The measure of the one is, what is legally just; of the other, what is prudentially and politicly fit

for the good and preservation of the whole. But these two, under favour, are not to be confounded in judgment. We must not piece up want of legality with matter of convenience; nor the defailance of prudential fitness, with a pretence of legal justice.

To condemn my lord of Strafford judicially, as for treason, my conscience is not assured that the matter will bear it; and to do it by the legislative power, my reason, consultively, cannot agree to that; since I am persuaded neither the lords not the king will pass this bill; and consequently, that our passing it will be a cause of great divisions and combustions in the state.

Therefore, my humble advice is, that laying aside this bill of attainder, we may think of another, saving only life; such as may secure the state from my lord of Strafford, without endangering it as much by division, concerning his punishment, as he hath endangered it by his practices.

If this may not be hearkened unto, let me conclude in saying that to you all, which I have thoroughly inculcated in mine own conscience upon this occasion: let every man lay his hand upon his own heart, and seriously consider what we are a going to do with a breath: either justice or murder; justice on the one side; or murder, heightenend and aggravated to its supremest extent, on the other. For, as the casuists say, He who lies with his sister, commits incest; but he that marries his sister, sins higher, by applying God's ordinance to his crime. So, doubtless, he that commits murder with the sword of justice, heightens that crime to the utmost.

The danger being so great, and the case so doubtful, that I see the best lawyers in diametrical opposition concerning it; let every man wipe his heart, as he does his eyes, when he would judge of a nice and subtle object. The eye, if it be pretincted with any colour, is vitiated in its discerning. Let us take heed of a blood-shotten eye in judgment.

Let every man purge his heart clear of all passions; I

know this great and wise body politic can have none; but I speak to individuals from the weakness of which I find in myself. Away with personal animosities, away with all flatteries to the people, in being the sharper against him, because he is odious to them. Away with all fears, lest by sparing his blood they may be incensed. Away with all such considerations, as that it is not fit for a parliament, that one accused by it of treason should escape with life. Let not former vehemence of any against him, nor fear from thence that he cannot be safe while that man lives, be an ingredient in the sentence of any one of us.

Of all these corruptives of judgment, Mr. Speaker, I do, before God, discharge myself to the utmost of my power, and do, with a clear conscience, wash my hands of this man's blood, by this solemn protestation,—that my vote goes not to the taking of the earl of Strafford's life.

THOMAS WENTWORTH,

(Earl of Strafford,)

Was a gentleman of an ancient family in Yorkshire, and created a peer by Charles I. He at first opposed the court with great virulence and ability; but afterwards became connected with it, and recommended some of the most obnoxious measures After a bill of attainder was passed against him, at the instigation of the commons, the king refused for a long time to give his assent to it, till at last lord Strafford himself wrote to advise him to comply, which he did with great reluctance. He was beheaded 1641. Whatever were his faults, he was a man of a fine understanding, and an heroic spirit; and undoubtedly a great man. What follows is the conclusion of his last defence before the house of lords.

My Lords,

It is hard to be questioned upon a law which cannot be shewn. | Where hath this fire lain hid so many hundred

years, without smoke to discover it, till it thus burst forth to consume me and my children?

That punishment should precede promulgation of a law, to be punished by a law subsequent to the fact, is extreme hard. What man can be safe, if this be admitted?

My lords, it is hard in another respect, that there should be no token set by which we should know this offence; no admonition by which we should avoid it. If a man pass the Thames in a boat, and split himself upon an anchor, and no buoy be floating to discover it, he who owneth the anchor shall make satisfaction; but if a buoy be set there, every man passeth upon his own peril. Now, where is the mark, where is the token upon this crime, to declare it to be high treason?

My lords, be pleased to give that regard to the peerage of England, as never to expose yourselves to such moot points, such constructive interpretations of law: if there must be a trial of wits, let the subject matter be of somewhat else than the lives and honours of peers.

It will be wisdom for yourselves, for your posterity, and for the whole kingdom, to cast into the fire these bloody and mysterious volumes of constructive and arbitrary treason, as the primitive christians did their books of curious arts, and betake yourselves to the plain letter of the law and statute, that telleth us what is, and what is not treason, without being ambitious to be more learned in the art of killing than our forefathers.

It is now full two hundred and forty years since any man was touched for this alleged crime, to this height, before myself. Let us not awaken these sleeping lions to our destruction, by taking up a few musty records that have lain by the walls so many ages, forgotten or neglected.

May your lordships please not to add this to my other misfortunes; let not a precedent be derived from me so disadvantageous as this will be, in its consequence, to

the whole kingdom. Do not, through me, wound the interest of the commonwealth; and howsoever these gentlemen say, they speak for the commonwealth; yet, in this particular, I indeed speak for it, and shew the inconvenience and mischiefs that will fall upon it; for, as it is said in the statute 1 Henry IV. no one will know what to do or say, for fear of such penalties.

Do not put, my lords, such difficulties upon ministers of state, that men of wisdom, of honour, and of fortune, may not with cheerfulness and safety be employed for the public. If you weigh and measure them by grains and scruples, the public affairs of the kingdom will lie waste; no man will meddle with them who hath any thing to lose.

My lords, I have troubled you longer than I should have done, were it not for the interest of those dear pledges a saint in heaven hath left me.

[At this word he stopped awhile, letting fall some tears, to her memory; then he went on]—

What I forfeit myself is nothing; but that my indiscretion should extend to my posterity, woundeth me to the very soul!

You will pardon my infirmity. Something I should have added, but am not able; therefore let it pass.

Now, my lords, for myself, I have been, by the blessing of Almighty God, taught, that the afflictions of this present life are not to be compared to the eternal weight of glory which shall be revealed hereafter.

And so, my lords, even so, with all tranquillity of mind, I freely submit myself to your judgment, and whether that judgment be of life or death, *te Deum laudamus.*

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DR. JOSEPH HALL,

(Bishop of Exeter and afterwards of Norwich,)

Was born 1574, and died 1656. He suffered a good deal from the Puritans. He is celebrated, without much reason, for the fineness of his writings.

Bishop Hall's Speech.

My Lords,

THIS is the strangest bill that ever I heard since I was admitted to sit under this roof; for it strikes at the very fabric and composition of this house, at the style of our laws; and therefore, were it not for that it comes from such recommendation, it would not, I suppose, undergo any long consideration; but coming to us from such hands, it can't but be worthy of your best thoughts: and truly, for the main scope of the bill, I shall yield to it most willingly, that ecclesiastical and sacred persons should not ordinarily be taken up with secular affairs.

The minister is called *vir Dei*, a man of God. He may not be *vir Sæculi*; he may lend himself to them upon occasion, but not give himself over purposely to them: in short, he may not so attend worldly things as that he do not neglect divine things. This we gladly yield. Matters of justice therefore are not proper, as in an ordinary trade, for our function, and, by my consent, shall be in general waved and deserted; which for my part I never had meddled with, but in a charitable way, with no profit, but some charge to myself, whereof I shall be glad to be eased:

Tractent fabrilia fabri.

But for any man hence to infer, that some spiritual person may not, occasionally, be in a special service of his king or country, and, when he is so required by his prince, give his advice in the urgent affairs of the kingdom (which I suppose is the main point driven at,) is such an inconsequence, as I dare boldly say cannot be made good, either by divinity or reason, by the law either of God or man; whereas the contrary may be proved and enforced by both.

'As for the grounds of this bill, that the minister's duty is so great, that it is able to take up the whole man, and the apostle saith, Who is sufficient for these things? And that he who warfares to God, should not entangle himself with the world:

It is a sufficient and just conviction of those who would divide themselves betwixt God and the world, and bestow the main part of their time upon secular affairs: but it hath no operation at all upon this tenet which we have in hand, that a man, dedicated to God, may not so much as when he is required, cast a glance of his eye, or some minutes of his time, or some motion of his tongue, upon the public business of his king and country.

Those that expect this from us, may as well, and upon the same reason hold, that a minister must have no family at all, or, if he have one, must not care for it; yea, that he must have no body to tend, but be all spirit. My lords, we are men of the same composition with others, and our breeding hath been accordingly. We cannot have lived in the world, but we must have seen it, and observed it too; and our long experience and conversation, both with men and books, cannot but have put something into us for the good of others; and now, having a double capacity, *quasi cives quasi ecclesiastici*, as members of the commonwealth, as ministers and governors of the church, we are ready to do our best service in both; one of them is no way incompatible with the other; yea, the subjects of them both

are so united with the church and commonwealth, that they cannot be severed; yea, so as that not the one is in the other; but one in the other is both. So, as the services which we do upon these occasions to the commonwealth, are inseparable from our good offices to the church; so, as upon this ground, there is no reason of our exclusion.

If ye say that our sitting in parliament takes up much time, which we might have employed in our studies or pulpits; consider, I beseech you, that whilst you have a parliament, we must have a convocation: and that our attendance upon that will call for the same expence of time, which we offer to this service; so, as herein, we have neither got nor lost.

But I fear it is not, on some hands, the tender regard of the full scope to our calling, that is so much here stood upon, as the conceit of too much honour that is done us in taking up the room of peers, and voting in the high court; for surely those that are averse from our votes, yet could be content we should have place upon the woolsacks; and could allow us ears, but not tongues. If this be the matter, I beseech your lordships to consider that this honour is not done to us, but to our profession; which, whatever we be in our several persons, cannot easily be capable of too much respect from your lordships; *non tibi sed Isidi.*

Neither is this any new grace that is put upon our calling, (which, if it were now to begin might perhaps be justly grudged to our personal unworthiness) but is an ancient right and inheritance inherent in our station: no less ancient than these walls wherein we sit; yea, more.

Before ever there were parliaments in the *magna consilia* of the kingdom, we had our places; and as for my predecessors, ever since the conquest's time, I can shew your lordships a just catalogue of them that have sat before me here; and truly, though I have just cause to be mean in my own eyes, yet why, or wherein there should be more unworthiness in me than the rest, that I should

be stripped of that privilege which they so long enjoyed. tho' there were no law to hold me here, I cannot see, I confess.

What respects of honour have been put upon the prime clergy of old, both by pagans, and jews, and christians; and what are still both within christendom and without, I shall not need to urge; it is enough to say, this of ours is not merely arbitrary, but stands so firmly established by law and custom, that I hope it neither will, nor can be removed, except you shall shake those foundations, which, I believe, you desire to hold firm and inviolable.

In short then, my lords, the church craves no new honour from you, and justly hopes you will not be guilty of pulling down the old. As you are the eldest sons, and next under his majesty, the honourable patrons of the church, so she expects and beseeches you to receive her into your tenderest care; so to order her affairs, that ye leave her to posterity in no worse case than you found her. It is a true word of Damascus: *Uti vilescit nomen episcopi, omnis status perturbatur ecclesiæ.* If this be suffered, the misery will be the church's; the dishonour and blur of the act, in future ages, will be yours.

To shut up, therefore, let us be taken off from all ordinary trade of secular employments; and if you please, abridge us of intermeddling with matters of common justice; but leave us possessed of those places and privileges in parliament, which our predecessors have so long and peaceably enjoyed.

Another by the same.

This speech has more feeling in it than the Bishop generally discovered. It shews that "passion makes men eloquent."

My lords, I have long held my peace, and meant to have done so still; but now, like to Crœsus's mute son, I must break silence; I humbly beseech your lordships

to give me leave to take this too just occasion to move your lordships, to take into your deep and serious consideration, the woeful and lamentable condition of the poor church of England, your dear mother. My lords, this was not wont to be her style. We have heretofore talked of the famous and flourishing church of England; but now your lordships must give me leave to say, that the poor church of England humbly prostrates herself at your lordships' feet, (next after his sacred majesty) and humbly craves your compassion and present aid. My lords, it is a foul and dangerous insolence this which is now complained of to you, but it is but one of a hundred of those which have been of late done to this church and government.

The church of England, as your lordships cannot choose but know, hath been, and is, miserably infested on both sides; with papists on the one side, and schismatics on the other. The psalmist, hath of old, distinguished the enemies of it into wild boars out of the wood, and little foxes out of the boroughs; the one whereof goes about to root up the very foundation of religion, the other to crop the branches, and blossoms, and clusters thereof; both of them conspire the utter ruin and devastation of it. As for the former of them, I do perceive a great deal of good zeal for the remedy and suppression of them; and I do heartily congratulate it, and bless God for it, and beseech him to prosper it in those hands who shall undertake and prosecute it; but for the other, give me leave to say, I do not find many that are sensible of the danger of it, which yet, in my apprehension, is very great and apparent.

Alas! my lords, I beseech you to consider what it is that there should be in London, and the suburbs and liberties, no fewer than fourscore congregations of several sectaries, as I have been too credibly informed, instructed by guides fit for them; coblers, taylors, felt makers, and such like trash, which are all taught to spit in the face of their mother, the church of England, and to defy and

revile her government. From hence have issued those dangerous assaults of our church governors; from hence that inundation of base and scurrilous libels and pamphlets, wherewith we have been of late overborne; in which papists and prelates, like oxen in a yoke, are still matched together. Oh! my lords, I beseech you, that you might be sensible of this great indignity. Do but look upon these reverend persons. Do not your lordships see here, sitting upon these benches, those that have spent their time, their strength, their bodies, and lives, in preaching down, in writing down, popery? and which would be ready, if occasion offered, to sacrifice all their old blood that remains, to the maintenance of that truth of God which they have taught and written; and shall we be thus despitefully ranged with them whom we do thus professedly oppose? But, alas! this is but one of those many scandalous aspersions, and intolerable affronts, that are daily cast upon us.

Now, whither should we, in this case, have recourse for a needful and seasonable redress? The arm of the church is, alas! now short and sinewless; it is the interposing of your authority that must rescue us. You are the eldest sons of your dear mother, the church, and therefore most fit and most able to vindicate her wrongs. You are *amici sponsæ;* give me leave, therefore, in the bowels of Christ, humbly to beseech your lordships, to be tenderly sensible of those woeful and dangerous conditions of the times; and if the government of the church of England be unlawful and unfit, abandon and disclaim it; but if otherwise, uphold and maintain it; otherwise, if these lawless outrages be suffered to gather head, who knows where they will end?

My lords, if these men may with impunity and freedom thus bear down ecclesiastical authority, it is to be feared they will not rest there, but will be ready to affront civil power too. Your lordships know that the Jack Straws, and Cades, and Wat Tylers, of former times, did not more cry down learning than nobility; and

those of your lordships that have read the history of the anabaptistical tumults at Munster, will need no other item; let it be enough to say, that many of these sectaries are of the same profession.

Shortly, therefore, let me humbly move your lordships to take these dangers and miseries of this poor church deeply to heart; and upon this occasion, to give order for the speedy redressing of these horrible insolencies; and for the stopping of the deluge of libellous invectives wherewith we are thus impetuously overflown. Which, in all due submission, I humbly present to your lordships' wise and religious consideration.

MR. PYM.

Mr. Pym's Speech, vindicating himself from a Charge of High Treason, brought by the King against him and five other Members of the House.

Mr. Speaker,

THESE articles of high treason exhibited by his majesty against me, and the other gentlemen in the accusation charged with the same crime, are of great consequence, and much danger to the state. The articles in themselves, if proved, are, according to the laws of the land, high treason;

1st. To endeavour to subvert the fundamental laws of the land, is by this present parliament, in the earl of Strafford's case, adjudged high treason.

2dly. To endeavour to introduce into this kingdom, an arbitrary and tyrannical form of government, is likewise voted high treason.

3dly. To raise an army to compel the parliament to make and enact laws, without their free votes and willing proceedings in the same, is high treason.

4thly. To invite a foreign force to invade this land, to

favour our designs agitated against the king and state, is high treason.

5thly. To animate and encourage riotous assemblies and tumults about the parliament, to compel the king to assent to votes of the house, is treason.

6thly. To cast aspersions upon his majesty and his government; to alienate the affections of his people; and to make his majesty odious unto them, is high treason.

7thly. To endeavour to draw his majesty's army into disobedience, and to side with us in our designs, if against the king, is treason.

I desire, Mr. Speaker, the favour of this house, to clear myself concerning this charge. I shall only parallel and similize my actions, since the sitting of this parliament with these articles:

1st. Mr. Speaker, if to vote with the parliament as a member of the house, wherein all our votes ought to be free, (it being one of the greatest privileges thereof to have our debates, disputes, and arguments, is the same unquestionable,) be to endeavour to subvert the fundamental laws; then am I guilty of the first article.

2dly. If to agree and consent with the whole state of the kingdom, by vote, to ordain and make laws for the good government of his majesty's subjects, in peace and dutiful obedience to their lawful sovereign, be to introduce an arbitrary and tyrannical form of government in the state; then am I guilty of this article.

3dly. If to consent, by vote with the parliament, to raise a guard, or trained band, to secure and defend the persons of the members thereof, being environed and beset with many dangers in the absence of the king, and, by vote with the house, in willing obedience to the royal command of his sacred majesty, at his return, be actually to levy arms against the king; then am I guilty of this article.

4thly. If to join with the parliament of England, by free vote, to crave brotherly assistance from Scotland, (kingdoms both under obedience to one sovereign; both

his loyal subjects) to suppress the rebellion in Ireland, which lies gasping every day in danger to be lost from his majesty's subjection, be to invite and encourage a foreign power to invade this kingdom; then am I guilty of high treason.

5thly. If to agree with the greatest and wisest council of state, to suppress unlawful tumults and riotous assemblies; to agree with the house, by vote, to all orders, edicts, and declarations for their repelling, be to raise and countenance them in their unlawful actions; then am I guilty of this article.

6thly. If by free vote, to join with the parliament in publishing of a remonstance in setting forth declarations against delinquents in the state; against incendiaries between his majesty and his kingdom: against ill counsellors, which labour to avert his majesty's affection from parliaments; against those ill affected bishops that have innovated our religion, oppressed, painful, learned, and godly ministers, with vexatious suits and molestations in their unjust courts, by cruel sentences of pillory and cutting off their ears, by great fines, banishments, and perpetual imprisonment; if this, Mr. Speaker, be to cast aspersions upon his majesty and his government, and to alienate the hearts of his loyal subjects, good protestants, and well affected in religion, from their due obedience to his royal majesty; then I am guilty of this article.

7thly. If to consent by vote, with the parliament, to put forth proclamations, or to send declarations to his majesty's army, to animate and encourage the same to a loyal obedience; to give so many subsidies, and raise so many great sums of money, willingly, for their keeping on foot to serve his majesty upon his royal command, on any occasion; to apprehend and attack, as delinquents, such persons in the same as are disaffected, both to his sacred person, his crown, and dignity; to his wise and great council of parliament; to the true and orthodox doctrine of the church of England, and the true religion, grounded on the doctrine of Christ him-

self, and established and confirmed by many acts of parliament in the reigns of king Henry VIII. king Edward VI. queen Elizabeth, and king James, of blessed memory :—if this, Mr. Speaker, be to draw his majesty's army into disobedience, and side with us in our designs, then am I guilty of this article.

Now, Mr. Speaker, having given you a touch concerning these articles, comparing them with my actions ever since I had the honour to sit in this house as a member thereof, I humbly crave your consideration and favourable judgment of them, not doubting, they being weighed in the even scales of your wisdom, I shall be found innocent and clear from these crimes laid to my charge.

BULSTRODE WHITLOCKE,

(Member for Great Marlow, Buckinghamshire,)

Was born in 1605, and died in 1676. In 1653 he was sent ambassador to Sweden. He was a man of great learning, and he appears also to have possessed moderation and good sense. He was the author of the Memorials.

Mr. Whitlocke's Speech on the Militia.

Mr. Speaker,

I HAVE often heard it said in former debates, in other matters in this house, that such and such a thing was of as great concernment as ever came within these walls. I am sure it may be said so of the matter of your present debate : it is truly of the greatest concernment that ever came within these walls.

It highly concerns us all, and our posterity after us, where this power of the militia shall be placed. This

great power, which indeed commands all men, and all things, cannot be too warily lodged, nor too seriously considered; and I do heartily wish that this great word, this new word, this hard word, the militia, might never have come within these walls; but that this house may be, as the temple of Janus, ever shut against it. I take the meaning of those gentleman who introduced this word to be, the power of the sword, *potestas gladii*, which is a great and necessary power, and properly belonging to the magistrate: *potestas gladii in facinerosos*, without which our peace and property cannot be maintained.

But *potestas gladii in manibus facinerosorum*, in the hands of soldiers, is that whereof you now debate; and it is best out of their hands; I hope it will never come there. Some worthy gentleman have declared their opinions that this power of the militia is, by right and law, in the king only: others affirm it to be the parliament only. I crave leave to differ from both these opinions. I humbly apprehend that, this power of the militia is neither in the king only, nor in the parliament only; and if the law hath placed it any where, it is both in the king and parliament, when they join together.

And it is a wise institution of our law, not to settle this power any where, but rather to leave it in *dubio*, or in *nubibus*, that the people might be kept in ignorance thereof, as a thing not fit to be known, nor to be pried into. It is the great *arcanum imperii*, and the less it is meddled with, the less acquaintance we have with it, the better it will be for all sorts of persons, both for king and people.

That this power of the militia is not in the king only, appears in this: that the power of money is not in the king, but it will be granted here, that the power of money is solely in this house; and without the power of money to pay the soldiers, the power of the militia will be of little force.

But if the power of the militia should be in the king,

yet the power of money being in the parliament, they must both agree, or else keep the sword in the scabbard, which is the best place for it.

It is true that the king, by his tenures, may require the service in war, of those that hold of him; but if they stay above forty days with him, unless he gives them pay, they will stay no longer.

And it is also true, as hath been observed, that our law looks upon the king as the Jewish law did upon theirs; that, by his kingly office, he is to go in and out before the people, and to lead them in battle against their enemies; but by the laws of the Jews, their king could not undertake a war abroad without the consent of the great Sanhedrim.

And by our law, as is declared by the statute 1 Edward III. and by divers subsequent statutes, the king can compel no man to go out of his country, but upon the sudden coming of strange enemies into the realm: and how many of our parliament rolls do record that the king advised with his parliament about his foreign wars, and could not undertake them without the advice and supplies of the parliament.

All the power of the militia is exercised either in offence or defence. Defence is either against the invasion of enemies from abroad, or against insurrections at home.

Against insurrections at home, the sheriff of every county hath the power of the militia in him; and if he be negligent to suppress them with the *posse comitatus*, he is finable for it.

Against invasions from abroad, every man will be forward to give his assistance; there will be little need to raise forces, when every man will be ready to defend himself, and to fight *pro aris & focis*.

As to offensive war against a foreign enemy, if the king will make it of himself he must of himself pay his army, which his own revenue will hardly afford; nor can he compel any of his subjects to serve him in those

wars: none can, by law, be pressed to serve in that war, but by act of parliament.

But not to waste more of your time, sir, I shall conclude that, in my humble opinion, the power of the militia is neither in the king alone, nor in the parliament, but, if any where in the eye of the law; it is in the king and parliament, both conferring together; and I think it best that it should be there still.

I cannot join in that advice to you, to settle the militia of ourselves without the king, but rather with those worthy gentlemen who have moved that we yet again should petition his majesty that the militia may be settled in such hands as both he and you shall agree upon, whom you may trust, and who, I hope, will be more careful to keep the sword sheathed than to draw it.

SIR BENJAMIN RUDYARD.

His Speech, recommending conciliatory Measures.

Mr. Speaker,

In the way we are, we have gone as far as words can carry us. We have voted our own rights and the king's duty. No doubt there is a relative duty between king and subjects; obedience from a subject to a king, protection from a king to his people. The present unhappy distance between his majesty and the parliament makes the whole kingdom stand amazed, in a fearful expectation of dismal calamities to fall upon it. It deeply, and conscionably concerns this house, to compose and settle these threatening ruining distractions.

Mr. Speaker, I am touched, I am pierced with an apprehension of the honor of the house, and success of this parliament. The best way to give a stop to these desperate imminent mischiefs, is to make a fair way for the king's return hither; it will likewise give

best satisfaction to the people, and will be our best justification.

Mr. Speaker, That we may the better consider the condition we are now in, let us set ourselves three years back. If any man then could have credibly told us, that within three years the queen shall be gone out of England into the Low Countries, for any cause whatsoever, the king shall remove from his parliament, from London to York, declaring himself not to be safe here, that there shall be a total rebellion in Ireland, such discords and distempers both in church and state here, as now we find! certainly we should have trembled at the thought of it: wherefore it is fit we should be sensible now we are in it. On the other side, if any man then could have credibly told us, that within three years ye shall have a parliament, it would have been good news; that ship-money shall be taken away by an act of parliament, the reason and grounds of it so rooted out, as that neither it, nor any thing like it, can ever grow up again; that monopolies, the high commission court, the star chamber, the bishop's votes, shall be taken away; the council table regulated and restrained; the forests bounded and limited; that ye shall have a triennial parliament; nay more than that, a perpetual parliament, which none shall have power to dissolve without yourselves; we should have thought this a dream of happiness! Yet, now that we are in the real possession of it, we do not enjoy it, although his majesty hath promised and published he will make all this good to us. We stand chiefly upon further security; whereas the very having of these things is a convenient fair security, mutually securing one another. There is more security offered, even in this last answer of the king's, by removing the personal votes of popish lords, by the better education of papists' children, and by supplying the defects of the laws against recusant, besides what else may be enlarged and improved by a select committee of both houses named for that purpose; wherefore, sir, let us

beware we do not contend for such a hazardous unsafe security as may endanger the loss of what we have already: let us not think we have nothing, because we have not all we desire; and though we had, yet we cannot make a mathematical security; all human caution is susceptible of corruption and failing. God's providence will not be bound; success must be his: he that observes the wind and rain, shall neither sow nor reap: if he do nothing till he can secure the weather, he will have but an ill harvest.

Mr. Speaker, It now behoves us to call up all the wisdom we have about us; for we are at the very brink of combustion and confusion. If blood begins once to touch blood, we shall presently fall into a certain misery, and must attend an uncertain success, God knows when, and God knows what. Every man here is bound in conscience to employ his uttermost endeavours to prevent the effusion of blood. Blood is a crying sin; it pollutes a land. Let us save our liberties, and our estates; but so as we may save our souls too. Now I have clearly delivered my own conscience, I leave every man freely to his.

MR. WALLER.

It would be hard to deny that the following speech is a good one, when we know that it saved the author's life. Indeed, nothing can be imagined better calculated to soothe the resentment of the house of commons, or flatter their pride, than the concluding part of his address. Not even one of his own amorous heroes could fawn and cringe, and sweat and supplicate, and act a feigned submission, with more suppleness and dexterity, to avert the mortal displeasure of some proud and offended bounty, than Mr. Waller has here employed to appease the fury, and insinuate himself once more into the good graces of his political paramour, the house of commons. In this, however he succeeded no farther than to receive his life at her hands; which it seems he had forfeited by conspiring to deliver up the city to the king.

Mr. Waller's Speech, praying for a Mitigation of the Sentence passed upon him by the Parliament.

Mr. Speaker,

I ACKNOWLEDGE it a great mercy of God, and a great favour from you, that I am once more suffered to behold this honourable assembly.

I mean not to make use of it to say any thing in my own defence, by justification or denial of what I have done. I have already confessed enough to make me appear worthy, not only to be put out of this house, but out of the world too. All my humble request to you is, that if I seem to you as unworthy to live as I do to myself, I may have the honour to receive my death from your own hands, and not to be exposed to a trial by the council of war. Whatever you shall think me worthy to suffer in a parliamentary way, is not like to find stop any where else.

This, sir, I hope you will be pleased, for your own sakes, to grant me, who am already so miserable, that nothing can be added to my calamity, but to be made the occasion of creating a precedent to your own disadvantage: besides the right I may have to this, consider, I beseech you, that the eyes of the world are upon you. You govern in chief; and if you shall expose your own members to the punishment of others, it will be thought that you either want power or leisure to chastise them yourselves; nor let any man despise the ill consequence of such a precedent as this would be, because he seeth not presently the inconveniences which may ensue. You have many armies on foot, and it is uncertain how long you may have occasion to use them. Soldiers and commanders (though I know well they of the parliament's army excel no less in modesty than they do in courage,) are generally of a nature ready to pretend to the utmost power of this kind which they conceive to be due to them, and may be too apt, upon any

occasion of discontent, to make use of such a precedent as this. In this very parliament you have not been without some taste of the experience hereof: it is now somewhat more than two years since you had an army in the north, paid and directed by yourselves; and yet you may be pleased to remember there was a considerable number of officers in that army, which joined in a petition or remonstrance to this house, taking notice of what some of the members had said here, as they supposed, to their disadvantage, and did little less than require them of you. 'Tis true, there had been some tampering with them; but what has happened at one time, may wisely be thought possible to fall out again at another.

Sir, I presume but to point you out the danger: if it be not just, I know you will not do me the wrong to expose me to this trial; if it be just, your army may another time require the same justice of you in your own behalf, against some other member, whom perhaps you would be less willing to part with. Necessity has of late forced you into untrodden paths, and in such a case as this, where you have no precedent of your own, you may not do amiss to look abroad upon other states and senates, which excercise the supreme power, as you now do here.

I dare confidently say you shall find none, either ancient or modern, which ever exposed any of their own order to be tried for his life by the officers of their armies abroad, for what he did while he resided among them in the senate.

Among the Romans the practice was so contrary, that some inferior officers in their army, far from the city, having been sentenced by their general or commander in chief as deserving death by their discipline of war, have nevertheless (because they were senators) appealed thither; and the cause has received a new hearing in the senate.

Not to use more words to persuade you to take heed

that you wound not yourselves, through my sides, in violating the privileges belonging to your own persons, I shall humbly desire you to consider likewise the nature of my offence; not but that I should be much ashamed to say any thing in diminution thereof, (God knows 'tis horrid enough for the evil it might have occasioned) but if you look near it, it may perhaps appear to be rather a civil than a martial crime, and so to have title to a trial at the common law of the land. There may justly be some difference put between me and others in this business.

I have had nothing to do with the other army, or any intention to begin the offer of violence to any body; it was only a civil pretence to that which I then foolishly conceived to be the right of the subject. I humbly refer it to your considerations, and to your consciences. I know you will take care not to shed that blood by the law of war, which hath a right to be tried by the law of peace.

For so much as concerns myself, and my part in this business, (if I were worthy to have any thing spoken, or patiently heard in my behalf,) this might truly be said: that I made not this business, but found it; it was in other men's hands long before it was brought to me; and when it came, I extended it not, but restrained it. For the propositions of letting in part of the king's army, or offering violence to the members of this house, I ever disallowed, and utterly rejected them.

What it was that moved me to entertain discourse of this business so far as I did, I will tell you ingenously; and that rather as a warning for others, than it makes any thing for myself: It was only an impatience of the inconveniences of the present war; looking on things with a carnal eye, and not minding that which chiefly, if not only, ought to have been considered: the inestimable value of the cause you have in hand, the cause of God and of religion, and the necessities you are forced upon for the maintenance of the same. As a just pu-

nishment for this neglect, it pleased God to desert me, and suffer me, with a fatal blindness, to be led on and engaged in such councils, as were wholly disproportioned to the rest of my life. This, sir, my own conscience tells me, was the cause of my falling; and not malice, or any ill habit of mind or disposition towards the commonwealth, or to the parliament. For, from whence should I have it? If you look on my birth, you will not find it in my blood. I am of a stock which hath borne you better fruit. If you look on my education, it hath been almost from my childhood in this house, and amongst the best sort of men; and for the whole practice of my life, till this time, if another were to speak for me, he might reasonably say, that neither my actions out of parliament, nor my expressions in it, have favored of disaffection or malice to the liberties of the people, or privileges of parliament.

Thus, sir, I have set before your eyes, both my person and my case; wherein I shall make no such defence by denying or extenuating any thing I have done, as ordinary delinquents do. My address to you, and all my plea shall be, such as children use to their parents. I have offended; I confess it. I never did any thing like it before. It is a passage unsuitable to the whole course of my life besides; and for the time to come, as God, that can bring light out of darkness, hath made this business in the event useful to you, so also hath he to me. You have, by it, made an happy discovery of your enemies; and I of myself, and the evil principles I walked by; so that if you look either on what I have been heretofore, or what I now am, and by God's grace assisting me I shall always continue to be, you may, perhaps, think me fit to be an example of your compassion and clemency.

Sir, I shall no sooner leave you, but my life will depend on your breath; and not that alone, but the subsistence of some that are more innocent. I might therefore, shew you my children, whom the rigour of your

justice would make complete orphans, being already motherless. I might shew you a family wherein there are some unworthy to have their share in that mark of infamy which now threatens me. But something there is, which, if I could shew you, would move you more than all this: it is my heart; which abhors what I have done more, and is more severe to itself, than the severest judge can be. A heart, Mr. Speaker, so awakened by this affliction, and so entirely devoted to the cause you maintain, that I earnestly desire of God to incline you so to dispose of me, whether for life or death, as may most conduce to the advancement thereof.

Sir, not to trouble you any longer, if I die, I shall die praying for you; if I live, I shall live serving you, and render you back the use and employment of all those days you shall add to my life.

WILLIAM LENTHALL,

(An eminent Lawyer, and Speaker of the Long Parliament,)

Was member for Woodstock. He was born 1591, and died 1662. This high-flown address to General Fairfax, is a model of the adulatory style. Surely a great man does not stand in need of so much praise.

Sir,

I HAVE a very hard task to perform, to present the respects of the house of commons, according to your excellency's merit, and their desires. To effect this accordingly, I should have informed myself, from histories that have preserved the memories of the famous worthies of former ages, and should have taken the dimensions of the largest coronets and trophies wherewith

they are made glorious; and even those would rather streighten than enlarge the temples of your excellency. Or else I should have consulted some of the most learned and eloquent orators, who have set forth the glorious gests performed in former times, whereby I might have insisted on some parallel for your wisdom, piety, justice, and valour; but I conceived the virtues and success which God hath bestowed upon you, were very hardly to be matched, and rather needed more industry and memory to enumerate, than oratory to polish.

Heretofore, when I read the histories of the acts of famous princes and warriors in this and other nations, it was not without some jealousy, that in them there was some mixture and glosses of oratory and art, the more to set off and give lustre to their acts, as arguments of emulation for others to follow the footsteps of their virtues; but the actions of your excellency will add lustre and belief to them, being all verified in you. And, indeed, here considering the swift marches, and the expedition of those grand and difficult attempts, which were prosecuted and effected by your excellency, I may say, the Almighty came riding on the wings of the wind; for these were nothing else but the *magnalia Dei*, acted in and by you, his instrument.

It was the custom of the ancient Romans, after a glorious and successful prince, to derive his name to posterity in memory of his virtues; as after that great prince Julius Cæsar, his successors retained the name of Cæsars: as Augustus Cæsar, Tiberius Cæsar, &c. Thus, hereafter, all famous and victorious succeeding generals in this kingdom, (if the times should prove so unfortunate,) will desire the addition of the name of Fairfax.

And surely the honour of the late lord general was not, whilst he lived, any way eclipsed by the succession of your excellency in his command; but rather augmented, whilst each retained the brightness of his own honour, having both rays enough to enlighten a kingdom, then overset with clouds and thick darkness.

I shall need to say no more but this: that the world will admire your excellency's worth; posterity will honour your name; and that the whole house of commons, in the name of the commons of England, do return you thanks for your faithful and memorable services. The beginning, continuance, and effect whereof, I must solely attribute to the Almighty, the Lord of Hosts and Victories.

OLIVER CROMWELL.

(Member for Cambridge, born 1599, *died* 1658.*)*

I have given the following speeches of his, to shew that he was not so bad a speaker as is generally imagined. The world will never (if they can help it) allow one man more than one excellence; and if he possesses any one quality in the highest degree, they then, either to excite a foolish wonder, or to gratify a lurking vanity, endeavour to find out that he is as much below the rest of mankind in every thing else. Thus it has been the fashion to suppose, because Cromwell was a great general and statesman, that therefore he could not utter a sentence that was intelligible, or that had the least connection or even common sense in it. But this is not the fact. His speeches, though not remarkable either for their elegance or clearness, are not remarkable for their contrary qualities. They are pithy and sententious; containing many examples of strong practical reason, (not indeed of that kind which is satisfied with itself, and supplies the place of action) but always closely linked, and serving as a prelude to action. His observations are those of a man who does not rely entirely on words, and has some other resource left him besides; but who is neither unwilling nor unable to employ them, when they are necessary to his purpose. If they do not convey any adequate idea of his great abilities, they contain nothing from which one might infer the contrary. They are just such speeches as a man must make with his hand upon his sword, and who appeals to that as the best decider of controversies. They are full of bustle and impatience, and always go directly to the point in debate, without preparation or circumlocution.

General Cromwell's Speech on the Army.

THAT it was now a time to speak, or for ever to hold the tongue, the important occasion being no less than to

save a nation out of a bleeding, nay, almost dying condition, which the long continuance of the war had already brought it into; so that without a more speedy, vigorous, and effectual prosecution of the war, casting off all lingering proceedings, like soldiers of fortune, beyond sea, to spin out a war, we shall make the kingdom weary of us, and hate the name of a parliament. For what do the enemy say? nay, what do many say that were friends at the beginning of the parliament? Even this: that the members of both houses have got great places and commands, and the sword into their hands; and what by interest in parliament, and what by power in the army, will perpetually continue themselves in grandeur, and not permit the war speedily to end, lest their own power should determine with it This I speak here to our own faces; it is but what others do utter abroad behind our backs.

I am far from reflecting on any; I know the worth of those commanders, members of both houses, who are yet in power; but if I may speak my conscience, without reflection upon any, I do conceive, if the army be not put into another method, and the war more vigorously prosecuted, the people can bear the war no longer, and will enforce you to a dishonourable peace. But this I would recommend to your prudence: not to insist upon any complaint or oversight of any commander in chief, upon any occasion whatsoever; for as I must acknowledge myself guilty of oversights, so I know they can rarely be avoided in military affairs; therefore, waving a strict enquiry into the causes of these things, let us apply ourselves to the remedy which is most necessary. And I hope we have such true English hearts, and zealous affections towards the general weal of our mother-country, as no members of either house will scruple to deny themselves, and their own private interests, for the public good; nor account it to be a dishonour done to them, whatever the parliament shall resolve upon in this weighty matter.

Another, by the same.

WHATEVER is the matter, which I list not so much to enquire after, two summers are passed over, and we are not saved. Our victories, (the price of blood invaluable) so gallantly gotten, and which is more pity, so graciously bestowed, seem to have been put into a bag with holes; for what we won one time, we lost at another. The treasure is exhausted; the country is wasted. A summer's victory has proved but a winter's story. The game, however, shut up with autumn, was to be new played again the next spring; as if the blood that has been shed, were only to manure the field of war for a more plentiful crop of contention. Men's hearts have failed them with the observation of these things, the cause whereof the parliament has been tender of ravelling into. But men cannot be hindered from venting their opinions privately, and their fears, which are various, and no less variously expressed; concerning which, I determine nothing, but this I would say: 'tis apparent that the forces being under several great commanders, want of good correspondency amongst the chieftains has often-times hindered the public service.

MR. WHITLOCKE.

The following speech displays so much knowledge, and such deep research into the imperfect and obscure parts of English history, that though it is long, and from the nature of the subject somewhat uninteresting, I thought it right to let it stand as a monument of legal learning in the seventeenth century. A country may be as different from itself at different times, as one country is from another; and one object that I have chiefly had in view in this work, has been to select such examples as might serve to mark the successive changes that have taken place in the minds and characters of Englishmen within the last 200 years.

The distinctive character of the period of which we are now speaking was, I think, that men's minds were stored with facts and images, almost to excess; there was a tenacity and firmness in them that kept fast hold of the impressions of things as they were first stamped on the mind; and "their ideas seemed to lie like substances in the brain." Facts and feelings went hand in hand; the one naturally implied the other; and our ideas, not yet exorcised and squeezed and tortured out of their natural objects, into a subtile essence of pure intellect, did not fly about like ghosts without a body, tossed up and down, or upborne only by the ELEGANT FORMS of words, through the *vacuum* of abstract reasoning, and sentimental refinement. The understanding was invigorated and nourished with its natural and proper food, the knowledge of things without it; and was not left, like an empty stomach, to prey upon itself, or starve on the meagre scraps of an artificial logic, or windy impertinence of inginuity self-begotten. What a difference between the grave, clear, solid, laborious stile of the speech here given, and the crude metaphysics, false glitter, and trifling witticism of a modern legal oration! The truth is, that the affectation of philosophy and fine taste has spoiled every thing; and instead of the honest seriousness and simplicity of old English reasoning in law, in politics, in morality, in all the grave concerns of life, we have nothing left but a mixed species of bastard sophistry, got between ignorance and vanity, and generating nothing.

Mr. Whitlocke's Speech on a Proposal to have the Old Laws translated from French into English.

Mr. Speaker,

THE question upon which your present debate ariseth, is of no small moment; nor is it easily or speedily to be determined; for it comprehends no less than a total alteration of the frame and course of proceedings of our laws, which have been established and continued for so many years.

I should not have troubled you with any of my weak discourse, but that I apprehend some mistakes and dishonour to the law of England, if passed by without an answer, that may be of ill consequence; and having attended

to hear them answered by others, who are not pleased to do it, I held myself the more engaged, in the duty of my profession, to offer to your judgment, to which I shall always submit, what I have met with, and do suppose not to be impertinent, for the rectifying of some mistakes which are amongst us.

A worthy getleman was pleased to affirm, with much confidence, as he brought it in upon this debate, that the laws of England were introduced by William the Conqueror, as (among other arguments he asserted) might appear by their being written in the French tongue.

In his first assertion, that our laws were introduced by William the Conqueror, out of France, I shall acknowledge that he hath several, both foreign and domestic authors, whom he may follow therein: The foreign authors are, Jovius, Æmilius, Bodine, Hottoman, Dynothus, Volateran, Berault, Berkley, Choppinus Uspargensis, Malines, and Polydore, who affirm this erroneous piece of doctrine; but the less to be regarded from them, because they were strangers to our laws, and took upon trust what they published in this point.

Of our own countrymen, they have Paris, Malmesbury, Matthew Westminster, Fox, Cosins, Twyne, Heyward, Mills, Fulbeck, Cowell, Ridley, Brown, Speed, Martin, and some others.

All of them affirm that the laws of England were introduced by William the Conqueror. But their errors are refuted by Sir Roger Owen, in his manuscript, who saith that Roger Wendover and Matthew Paris, were the first monks that hatched these addled eggs.

I shall endeavour to shew you, that the original of our laws is not from the French; that they were not introduced by William the Conqueror, out of Normandy; and I shall humbly offer to you my answer to some of their arguments who are of a contrary opinion.

Polydore, *Hist. Ang. lib.* 9. affirmeth, that William the Conqueror first appointed sheriffs and justices of the

peace; erected tenures; brought in trials by twelve men; and several other particulars of our laws.

For sheriffs, their name, *Scire Reeve*, shews them to be of the Saxon institution; and our histories mention the division of shires by king Alfred; but, in truth, it was much more ancient. And it is apparent by our books and records, some whereof are in the hustings of London, and in the Tower, that the same things were in use here long before the time of King William I.

Sir Roger Owen shews at large, that livery of seisin, licenses, or fines for alienation; daughters to inherit; trials by juries; adjurations; outlawries; coroners; disposing of lands by will; escheats; goals, writs; wrecks; warranties; *catalla felonum;* and many other parts of our law, and the forms of our parliaments themselves, were here in being before the time of duke William. Agreeing hereunto are many of our historians and learned antiquaries.

But it is objected, that in the grand customary of Normandy, the laws are almost all the same with ours of England; and the forms of their parliaments the same with ours. That the writer of the preface to that book saith, it contains only the laws and customs which were made by the princes of Normandy, by the counsel of their prelates, earls, barons, and other wise men, which shews the forms of their parliament to be the same with ours; and the laws in that book to be the proper laws of Normandy, and ours to be the same; therefore they argue that our laws were introduced from thence by William the Conqueror.

This will be fully answered, if that grand customary of Normandy was composed in our king Edward the First's time, as good authors hold it was; then it cannot be that our laws or parliament could be derived from thence. These learned men say, that this customary was a mere translation of our law book Glanvill; as the book of *Regia Majestas*, of the laws of Scotland is; and the

like the laws of Burgundy. They further add, that the first establishing of the Customary of Normandy was in Henry the First's time, and afterwards again about the beginning of Edward the Second's time.

If the laws in the Customary were introduced there from England, it will then be granted, that the laws of England were not introduced here by William the Conqueror. But I think it very clear that their laws were brought to them out of England, and then you will agree to the conclusion.

Our king Henry the First conquered Normandy from his brother Robert, and was a learned king, as his name, Beauclerk, testifies; whom Juo calls an especial establisher of justice. Sequerius relates, that this king established the English laws in Normandy. Herewith do agree Gulielmus Brito, Armoricus, Rutelarius, and other French writers; who mention also, that the laws in the Customary of Normandy are the same with the laws collected by our English king Edward the Confessor, who was before the Conqueror. An additional testimony hereof is out of William de Alenson Revile, who in his comment upon the Customary, saith, that all the laws of Normandy came from the English laws and nation.

In the Customary there is a chapter of *nampes*, or distresses, and decreed that one should not bring his action upon any seizure, but from the time of the coronation of king Richard; and this must be our king Richard I. because no king of France was in that time of that name; and the words *nampes* and *withernams* were Saxon words, taken out of the English laws, signifying a pawn or distress, and in the same sense are used in the Customary.

That which puts it further out of scruple is, that there are yet extant the manuscripts themselves of the Saxon laws, made in the parliamentary counsels held by them here, which are in the language and character of those

times, and contain in them many of those things which are in the Norman Customary.

It is no improbable opinion that there was a former establishment of our laws in Normandy before the time of Henry the First, and that it was by Edward the Confessor, who, as all writers of our history agree, was a great collector and compiler of our English laws. He lived a long time with his kinsman, duke William, in Normandy, who was willing to please the Confessor in hopes to be appointed by him to be his successor, wherein the duke's expectation did not fail him.

The Confessor having no children, and finding Normandy without a settled government, and wanting laws, advised his kinsman, duke William, to receive from him the laws of England, which he had collected, and to establish them in Normandy; which duke William and his lords readily accepted for the good of their people, and thereby obliged the Confessor.

Another proof hereof is, that such laws as the Normans had before the time of duke William, were different from those in the Customary, and from the English laws; as their law, That the husband should be hanged if the wife was a thief, and he did not discover it; the meaner people were as slaves, and the like; and the trial of theft by ordeal, which then was not in England.

Wigorniensis reports, that the Normans who came in with queen Emma, the wife of Ethelred, were so hated of the English for their injustice and false judgment, that, in the time of king Canutus, they were for this cause banished; and it is the less probable that they, being so unjust themselves, should introduce so just laws as ours are.

Between the conquest of Normandy by Rollo, and the invasion of England by duke William, there were not above 150 years; that of Normandy was about *Ann.* 912, that of England *Ann.* 1060. It is not then consonant to reason, that those Normans, Pagans, a

rough martial people, descended from so many barbarous nations, should in the time of 150 years establish such excellent laws among themselves, and so different from the French laws, among whom they were, and from all parts of the world except England; and such laws which were not only fit for their dukedom and small territory, but fit also for this kingdom, which in those days was the second in Europe for antiquity and worth, by confession of most foreign historians.

If we will give credit to their own authors, this point will be sufficiently evinced by them. These words are in the proeme of the Customary, which is intitled *Descriptio Normanniæ hujusque Normanniæ Consuetudinis Latorem sive Dutorem, Sanctum Edvardum Angliæ Regem, &c.*

The same is witnessed by *Chronica Chronicorum*: That St. Edward, king of England, gave the laws to the Normans when he was long harboured there; and that he made both the laws of England and Normandy, appears sufficiently by the conformity of them, for which he cites several particulars, as of appeals, and the custom of England *ad probandum aliquid per credentiam duodecim hominum vicinorum*, which he saith remained in Normandy to that day.

Polydore, forgetting himself what he wrote in another place, saith of king Henry the Seventh, that when a doubt was made upon the proposal of marriage of his daughter to Scotland, that thereby England might in time be subject unto Scotland, the king answered, No! for that England, as the greater, will draw Scotland, to it, being the less, and incorporate it to the laws of England; as, saith the historian, it did Normandy, though the owner thereof was conqueror in England.

And sir Roger Owen in his MSS. affirms, that there is not any of our historians that lived in the space of 200 years immediately after the conquest, which doth describe our laws to be taken away, and the Norman custom introduced by the conqueror. Some of them

(and not improbably) mention the alteration of some part of them, and the bringing in some Norman customs effectual for the keeping of the peace.

There is yet behind the great argument most insisted on, and often urged by the gentlemen of another opinion, which is the title of William, who is called the Conqueror; from whence they conclude, that by his conquests he changed the laws and government of this nation, and that his successors reckon the beginning of their reign from his conquest.

To this is answered, that *a passe ad esse non valet argumentum.* The conquering of the land is one thing, the introducing of new laws is another thing; but there is direct proof to the contrary of this argument.

Duke William never surnamed himself the Conqueror, nor was so called in his life-time, as may appear by all the letters patent, and deeds that he made, wherein he is called *Gulielmus Rex, Dux, &c.* never *Conquestor;* and our ancient historians give him the same titles, and not that of Conqueror. In the title of Newbrigensis's book he is surnamed William the Bastard. Malmsbury calls him William the First; Hoveden, William the Elder. Adam de Myrimuth saith, that (1 Edward III.) this word *Conquest* was found out to denote and distinguish the certain Edward, because two of the same name were predecessors to this king, and to the Conqueror, who claimed the crown as heir to Edward the confessor; but, saith he, we call him the Conqueror, for that he overcame Harold.*

Duke William himself claimed to be king of England as successor and adopted heir of the Confessor by his will, and Harold's renouncing his title by oath.

The register of St. Albans, Matthew Paris, and others attest, that the barons of England did homage to him as successor, and he relied on them in his foreign wars; and the check given to him by the Kentish men, and the forces gathered by the abbot of St. Albans

* I do not understand this passage.

brought him to engage to confirm the laws of the Confessor; and, as his successor by legal right, they admitted him to be their king. Volateran writes, that he was made heir to the Confessor, who was uncle to him. Another affirms, that Edward, by his will, left England to him. Paulus Emilius, and Fulgasius, are to the same purpose. Pope Alexander the Second sent him a banner, as witness that with a safe conscience he might expel Harold the Tyrant, because the crown was due to him by the Confessor's will, and by Harold's oath. Agreeably hereunto are Gemelicensis, Walsingham, Malmsbury, Huntingdon, Ingulphus, Paris Pike, Wendover, Caxton, Gisborn, and others.

The ancient deeds of the abbey of Westminster, which were sometimes in my custody, do prove this: King William, in his charter to them, sets forth his own title to the crown thus: *beneficio Concessionis cognati mei et gloriosi Regis, Edwardi.* In his second charter, dated *Anno.* 15 of his reign, he saith, In honor of king Edward, who made me his heir, and adopted me to rule over this nation. In his charter dated 1088, of the Liberties of St. Martins the Great, in the manuscript thereof are these words: In example of Moses, who built the Tabernacle, and of Solomon, who built the Temple, *Ego Gulielmus Dei dispositione et consanguinitatis hæreditate, Anglorum Basileus, &c.*

The character of Henry the First, his son, to this abbey: In honour of Edward my kinsman, who adopted my father and his children to be heirs to this kingdom, &c. In another character of Henry the First, in the book of Eli, he calls himself the son of king William the Great, who by hereditary right succeeded king Edward.

It is true, that as to his pretence of title, by the will of the Confessor, Matthew Paris objecteth, that the device was void, being without the consent of the barons.

To which may be answered, that probably the law might be so in Henry the First's time, when Paris wrote, and was so taken to be in the statute of Carlisle; and

in the case of king John. But at the time of Duke William's invasion the law was taken to be, that a kingdom might be transferred by will. So was that of Sixtus Rufus; and Asia came to the Romans by the will of king Attalus. The words by *Annæus Florus* are, *Populus Romanus bonorum meorum hæres esto.* Bythinia came to the Romans by the last will of their king Nicomedus, which is remembered by Eutropius, together with that of Lybia. Cicero, in his orations, tells us, that the kingdom of Alexandria, by the last will of their king, was devolved to Rome; and *Prasitagus rex Icenorum*, in England, upon his death bed, gave his kingdom to the emperor Nero.

As to examples in this point at home, this king William I. by his will, gave England to his younger son William Rufus. King Stephen claimed by the will of Henry I. King Henry VIII. had power, by act of parliament, to order the succession of the crown as he pleased, by will: and the lords of the council, in queen Mary's time, wrote to her, that the lady Jane's title to the crown, was by the will and letters of Edward VI.

As the case of Henry VIII. was by act of parliament, so duke William, after he had conquered Harold, was, by the general consent of the barons and people of England, accepted for their king, and so his title by will confirmed; and he both claimed and governed the kingdom, as an heir and successor, confirmed their ancient laws, and ruled according to them.

This appears by *Chronica Chronicorum;* speaking of William the Bastard king of England and duke of Normandy, he saith, That whereas St. Edward had no heir of England, William having conquered Harold the Usurper, obtained the crown under this condition, that he should inviolably observe these laws, given by the said Edward.

It is testified likewise by many of our historians, that the ancient laws of England were confirmed by duke William. Journalensis saith, that out of the Merchen

Lage, West-Saxon Lage, and Dane Lage, the Confessor composed the common law, which remains to this day. Malmsbury, who lived in duke William's time, saith, that the kings were sworn to observe the laws of the Confessor, so called, saith he, because he observed them most religiously.

But to make this point clear out of Ingulphus, he saith, in the end of his Chronicle, I Ingulphus brought with me from London into my monastery, (Crowland) the laws of the most righteous king Edward, which my lord king William did command, by his proclamation, to be authentic and perpetual, and to be observed throughout the whole kingdom of England, upon pain of most heinous punishment. The ledger book of the abbey of Waltham commends duke William, for restoring the laws of the Englishmen out of the customs of their country. Radburn follows this opinion: and these laws of Edward the Confessor are the same, in part, which are contained in our great charter of liberties. A manuscript, intitled, *De Gestus Anglorum*, saith, that a parliament of London, 4 William I. the lawyers also present, that the king might hear their laws, he established St. Edward's laws, they being formerly used in king Edgar's time. There is also mention of the twelve men out of every county, to deliver truly the state of their laws. The same is remembered by Selden, History of Tithes and Titles of Honour, and in a MSS. chronicle, bound with the book of Eli, in Cotton's library.

One of the worthy gentlemen from whom I differ in opinion, was pleased to say, that if William the Conqueror did not introduce the laws of Normandy into England, yet he conceives our laws to be brought out of France hither, in the time of some other of our kings, who had large territories in France, and brought in their laws hither; else he wonders how our laws should be in French.

Sir, I shall endeavour to satisfy his wonder therein

by and by: but first, with your leave, I shall offer to you some probabilities out of history, that the laws of England were by some of those kings carried into France, rather than the laws of France brought thither. This is expressly affirmed by Paulus Jovius, who writes, that when the English kings reigned in a great part of France, they taught the French their laws. Sabellicus, a Venetian historian, writes, that the Normans, in their manners, and customs, and laws, followed the English. Polydore Virgil, contradicting himself in another place, then before cited, relates, that in our king Henry the First's time, the duke of Bedford called together the chief men of all the cities of Normandy, and delivered, in his oration to them, the many benefits that the English afforded them; especially in that the English gave to them their customs and laws. By the Chronicle of Eltham, Henry V. sent to Caen in Normandy, not only divines, but English common lawyers, by the agreement at Troys. So there is much more probability that the laws of England were introduced into France and Normandy, than that the laws of Normandy, or any other part of France, were introduced in England.

If the Normans had been conquerors in England, as they were not, but their duke was only conqueror of Harold, and received as hereditary king of England, yet it is not probable they would have changed our laws, and have introduced theirs, because they did not use to do so upon other conquests The Normans conquered the isles of Guernsey and Jersey, yet altered not their laws, which in their local customs are like unto ours. The like they did in Sicily, Naples, and Apulia, where they were conquerors, yet the ancient laws of those countries were continued.

I hope, Mr. Speaker, I have by this time given some satisfaction to the worthy gentlemen who differed with me; that the laws of England were not imposed upon us by the Conqueror, nor brought over hither, either out of Normandy, or any other part of France, but are

our ancient native laws. I must now come to endeavour also to satisfy the wonder, if they were not brought out of Normandy, or some other part of France, how come they then to be written in the French language?

Sir, it is to me an argument, that because they are written in French, therefore they were not brought in by duke William the Norman; for the French tongue was not the language of duke William and the Normans. They had not been then, in duke William's time, past four descents in that part of France, and it is improbable that they in so short a time, should lose their native tongue, and take up and use the language of another country which was conquered by them.

The Normans came from Sweden, Gothland, Norway, and Denmark; between whose languages, and with the High Dutch, their neighbours, there is a great affinity; but between these languages and the French there is none at all. Ulphilus holds, that the Dutch tongue came from the Goths. Jernandus saith, the Goths' tongue came from the Dutch. All agree, that between these languages and the French there is no affinity.

It is so improbable that duke William should cause our laws to be in French, that, when he proclaimed them, as Ingulphus testifies, he commanded that they should be used in the same language they were written (in English) to his justices; and gives the reason, lest by ignorance we should happen to break them.

But it hath been further objected, if duke William did not cause our laws to be written in French, what then should be the reason that the grand Customary of his Norman laws were written in the French tongue?

The reason thereof is given, that the Normans being a rough and martial people, had few clerks among them, but made use of those French among whom they then lived, and whose language they then began to be acquainted with, and to understand; but when they were in England, they had not so much use of those clerks,

and that language, but more of the English; and probably it might be, that the Confessor had been so long in France, that he was more master of that language than of the Norman, and that the Normans understood that language better than the English, and thereupon the Customary was written in the French tongue; but it doth not therefore follow, that duke William must cause the French laws to be written in the French tongue, but it is more likely that he might cause them to be continued in their native idiom which was much nearer in affinity to his own northern language than the French was.

That the French tongue was not introduced as to our laws and other things by duke William, into England, appears, in that the French was in great use with us here, both before and some time after his invasion.

Beda affirms, that in *Anno* 640, it was the custom of England to send their daughters into the monasteries of France, to be brought up there; and that Ethelbert, Ethelwolf, Ethelred, and other Saxon kings, married into the royal blood of France. Glabor notes, that before the time of duke William, the Normans and English did so link together, that they were a terror to foreign nations. Ingulphus saith, the Saxon hand was used until the time of king Alfred, long before the time of duke William; and that he being brought up by French teachers, used the French hand; and he notes many charters of Eldred and Edgar written in the French hand, and some Saxon mixed with it, as in the book of Doomsday: that Edward the Confessor, by reason of his long being in France, was turned into the French fashion, and all England with him: but that William I. commanded our laws to be written in the English tongue, because most men understood it, and that there be many of his patents in the Saxon tongue.

I suppose we may be satisfied that William I. did not cause our laws to be written in French, though the

French language was much in use here before his time; and if he did not introduce the French language into England, the argument falls,—that because they are written in French, therefore he brought them in.

But, sir, I shall offer you some conjectures, how it came that our laws were written in French, which I suppose might be begun in the time of our king Henry II. who was a Frenchman born, and had large territories and relations in France; many of his successors had the like, and very much to do in France, and with Frenchmen, of whom great numbers came into England; and they and the English matched and lived together, both here and in some parts of France. Hence it came to pass, as Giraldus Cambrensis notes, that the English tongue was in great use in Bourdeaux, and in other parts of France where Englishmen were resident and conversant; the like was when the Frenchmen were so conversant in England.

Matthew Westminster writes, that he was in hazard of losing his living, because he understood not the French tongue; and that in king Henry II. and king Stephen's time, who had large dominions in France, their native country, the number of French, and of matches with them, was so great, that one could hardly know who was French and who was English. Gervasius Tilburiensis observes the same; and Brackland writes, that in Richard the First's time, preaching in England was in the French tongue; probably pleading might be so likewise; and in king John's time, French was accounted as the mother tongue.

There are scarce any deeds of our kings in the French before Henry the Second's time: the most are in Edward the First and Edward the Second's time.

That our laws were pleaded and written in French before Edward the Third's time, appears by the statute 36 Edward III. Cap. 15, which recites the mischief of the law being in French, and enacts that the law shall hereafter be pleaded in English, and enrolled in Latin.

This is one ground of the mistaken opinion of Lambert, Polydore, Speed, and others, that duke William brought hither both the Norman laws and language; which I apprehend to be fully answered, and the contrary manifested by what I have said before on this subject.

Polydore's mistake may appear the more, when he asserts, that by this statute 36 Edw. III. matters are to be enrolled in English, which is contrary to the express words;—that they are to be enrolled in Latin. Many of our law books were written in Latin, before the Norman invasion, as appears by the ancient rolls of manors and courts baron, and our old authors Glanvill, Bracton, Tilbury, Hengham, Fleta, the Register and Book of Entries. The records at Westminster and the Tower, and other records, yet extant, are in Latin; and many books of our law in Latin, were translated into English about Edward the Third's time.

Most of our statutes from Edward the First's time, till about the middle of Henry the Seventh's reign, are enrolled in French, notwithstanding this statute 36 Edw. III. except the statute 6 Richard II. and some others, in Latin. Richard II. Henry IV. Henry V. and Henry VI. used to write their letters in French; and some of our pleadings are in French, and in the common pleas to our time: but, sir, our law is *lex non scripta:* I mean our common law; and our statutes, records, and books, which are written in French, are no argument, that therefore the original of our laws is from France; for they were in being before any of the French language was in our laws.

Fortescue writes, that the English kept their accounts in French; yet doubtless they had accounts here, and revenues, before the French language was in use here. Lord Coke saith, that the Conqueror taught the English the Norman terms of hawking, hunting, gaming, &c. yet no doubt but that these recreations were in use with us before his time; and though duke William, or any

other of our kings before or after his time, did bring in the French tongue amongst us, yet that is no argument that he or they did change or introduce our laws, which undoubtedly were here long before those times; and some of them, when the French tongue was so much in use here, were translated, written, and pleaded, and recorded in the French tongue, yet remained the same laws still; and from that great use of the French tongue here, it was, that the reporters of our law cases and judgments which were in those terms, did write their reports in French, which was the pure French in that time, though mixed with some words of art. Those terms of art were taken many of them from the Saxon tongue, as may be seen by those yet used. And the reporters of later times, and our students at this day, use to take their notes in French, following the old reports which they studied, and the old French, which, as in other languages, by time came to be varied.

I shall not deny but that some monks, in elder times, and some clerks and officers, might have a cunning for their private honour and profit to keep up a mystery, to have as much as they could of our laws to be in a kind of mystery to the vulgar, to be the less understood by them; yet the counsellors at law, and judges, could have no advantage by it. But, perhaps it would be found, that the laws being in English, and generally more understood, yet not sufficiently, would occasion the more suits; and possibly there may be something of the like nature as to the court hand: yet if the more common hands were used in our law writings, they would be the more subject to change, as the English and other languages are, but not the Latin. Surely the French tongue used in our reports and law books deserves not to be so enviously decried as it is by Polydore, Eliot, Daniel, Hotoman, Cowel, and other censurers.

But, Mr. Speaker, if I have been tedious, I humbly ask your pardon; and have the more hopes to obtain it from so many worthy English gentlemen, when that

which I have said was chiefly in vindication of their own native laws, unto which I held myself the more obliged by the duty of my profession; and I account it an honor to me to be a lawyer.

As to the debate and matter of the act now before you, I have delivered no opinion against it; nor do I think it reasonable that the generality of the people of England should, by an implicit faith, depend upon the knowledge of others in that which concerns them most of all. It was the Romish policy to keep them in ignorance of matters pertaining to their soul's health; let them not be in ignorance of matters pertaining to their bodies, estates, and all their worldly comfort. It is not unreasonable that the law should be in that language which may best be understood by those whose lives and fortunes are subject to it, and are to be governed by it. Moses read all the laws openly before the people in their mother tongue. God directed him to write it, and to expound it unto the people in their own native language, that what concerned their lives, liberties, and estates, might be made known unto them in the most perspicuous way. The laws of the eastern nations were in their proper tongue; the laws at Constantinople were in Greek; at Rome in Latin; in France, Spain, Germany, Sweden, Denmark, and other nations, their laws are published in their native idiom. For our own country, there is no man that can read the Saxon character, but may find the laws of your ancestors yet extant in the English tongue. Duke William himself commanded the laws to be proclaimed in English, that none might pretend ignorance of them. It was the judgment of the parliament, 36 Edward III. that pleadings should be in English; and in the reigns of those kings when our statutes were enrolled in French and English, yet then the sheriffs in their several counties were to proclaim them in English.

I shall conclude with a complaint of what I have met with abroad from some military persons; nothing but

scoffs and invectives against our law, and threats to take it away; but the law is above the reach of those weapons, which at one time or another will return upon those that use them. Solid arguments, strong reasons, and authorities, are more fit for confutation of any error, and satisfaction of different judgments. When the emperor took a bishop in complete armour in a battle, he sent the armour to the pope, with this word: *Hæccine sunt vestes filii tui?* so may I say to those gentlemen abroad as to their railings, taunts, and threats, against the law, *Hæccine sunt argumenta horum antinomianorum?* They will be found of no force, but recoiling arms. Nor is it ingenuous or prudent for Englishmen to deprave their birth-right, the laws of their own country.

But to return to the matter in debate: I can find neither strangeness nor foresee great inconvenience by passing this act; and therefore, if the house shall think fit to have the question put for the passing of it, I am ready to give my affirmative.

JOHN THURLOE,

(Author of the State Papers, and confidential Secretary to Cromwell,)

Was born in 1616, and died in 1668. The following speech of his is interesting, as it shews the temper of the times; it is shrewd and vulgar enough.

Mr. Thurloe's Speech.

Mr. Speaker,

THE scope of this bill is to set an extraordinary tax upon the old delinquent party, with a retrospect by way of approbation of what hath been done of this kind by his highness and the council; so that we are to consider,

1, What reasons his highness and council had to lay the charge.

2, Upon what grounds it shall be continued by act of parliament.

What moves me to speak in it is, the place I have the honour to bear. The occasion was, the last insurrection made by the old delinquent party. Who these old delinquents are, I suppose nobody needs any information; they are described in the bill to be those who were in arms for the late king against the parliament, or for Charles Stewart, the son; or have adhered to, assisted, or abetted, the forces raised against the parliament; or whose estates have been sequestered for delinquency.

You know, Sir, much better than I, and so do most men here, what the design was before the long parliament, it was to alter our religion, and to subvert the fundamental laws.

The bishops, so they might enslave our consciences, and have us at their will to impose their ceremonies, which were but inlets to popery, were content we should be at the king's will for our persons and estates. I remember myself, and many here remember much better, how many were banished into foreign parts, that they might serve God without fear, which they could not do here. Many good ministers were imprisoned, others silenced. If two or three christians met together to pray, this was a conventicle, and they were haled before the then powers.

I fear these things are forgotten, and we value not the liberty we have in these cases. I know what thoughts we had then, that that was the design.

And so in the state, the prerogative was very high, but the people's liberty was very low. We have not forgot the German horse that were to be brought over, and the army in Ireland, that was to be raised to enslave them first and then to do the same here. What was doing in Scotland, many gentlemen here, I doubt

not, that rejoice to see this day, can tell you large stories of.

Parliaments were set aside. How many had ye between 3 and 16 *Car.* in 13 years together? Not one! No, they had got a way to govern without parliaments, and the laws in Westminster Hall began to be of little use. The judges that were honest and true to the people's liberties, were either removed or discountenanced, that *ad placitum regis sint sententiæ legis.* Other courts flourished: the marches of Wales, the presidentship of York, the star chamber, the council-board, the high commission, and, I am loth to name, the chancery[2]; but good use was made of that, too, for their purposes, that were arbitrary; and the design was to rack all things, so that a man could not to be met with there that would hear reason.

The truth was, the design was to govern us by a power that might be turned against us; and it was said, *quod placuit principi, legis vim habet.*

Things were almost become desperate, and all men who loved their country thought, all, either of suffering or of flying; this, I say, was the first design. To do an arbitrary act out of necessity to save the whole, that's another thing; but this was matter of choice.

In this conjuncture of affairs, the long parliament comes, questions the king's counsellors, undertakes the cause of the nation, and advises the king. Instead of listening to them, he takes the advantage of raising an army in prosecution of his former design, and to defend those who were the instruments thereof. A great part of the nation whom he and his counsellors had debauched, and who were seasoned with the same principles, in hatred to the spirit of reformation and liberty, which appeared in the parliament adhered to him, took up arms with him, and in his cause; and I believe nobody here hath forgot how much blood and treasure this course hath cost this nation in a ten years' war, for near so long hath this party of men held up their cause

aforesaid against the good people of this land by an open war; and what havock hath been made of the lives and estates of many a good patriot during this time, is yet to be lamented; and the loss of your relations, the emptiness of your purses, exhausted in this war, the signal deliverances which God hath given you, will not suffer you to forget what our condition had been if we had been given up into the hands of these men.

These are the men, sir, this is the old delinquent that we have to do with in this bill.

In the management of this war we have had many divisions and subdivisions amongst ourselves.

In the church, presbyterians, independents, anabaptists; in the state, bad commonwealths men; such as mercenary soldiers, lawyers, fifth monarchy men, every one labouring for their own interests; but none of all these are now in question. But 'tis the old enemy, men that would bring in the hierarchy again, and with it popery; persecution for conscience sake, bring in tyranny over our persons and estates; who endeavoured to have made the land desolate rather than not have brought this to pass; brought in all manner of profaneness and debauchery. I wish we do not forget what manner of men they were; we did all once agree against them, and I hope we shall do so again so long as they retain their old principles.

I say, the worst in this bill is, to make these men pay an extraordinary tax for the support of the public charge.

Ay, but 'tis said they have compounded, many of them, for their delinquency, and they have had an act of oblivion, and are now, in justice, to be looked upon as the rest of the nation.

That, sure, is not hard to answer: their composition was but for what they had done—sure it was not for all they should do! The pardon was but of offences past; it was not like the pope's pardons, that are of all sins committed and to be committed; so that if they be

guilty of new offences, it is just to subject them to new penalties, and they to be dealt with as if they had made no composition, nor had any such pardon granted them. But then the greater question is, what these men have done which may justly cancel their former grants, and how this comes to be a common cause? If some of them have offended, must all suffer?

In answer to this, I would premise two things:

1. The question is not about confiscation of life and estate, which the former war subjected them to, and which, without their composition or pardon might have been inflicted; that offence was capital: but it is only, whether they shall pay somewhat more to the public charge then those that have been of the other party?

2. Exception is propounded to those who either have, or shall give evidence of, their having forsaken their former interest.

The *onus probandi* is put on their side, and many have had the fruit of this. His highness and the council having had good satisfaction concerning many of them, have discharged their decimation, and I suppose this bill is not, or ought not to reach to these; so that the question will not be of every individual man, but of such only as have not, nor can give, any testimony of their having changed their interests and principles; on the contrary, have given a just ground of suspicion that they do retain them.

For those who have actually had a hand in designing, contriving, acting, or abetting in the late insurrection, and can be convicted thereof by testimony, that is under another consideration, and will not be pertinent to be spoken of under this head.

Then to answer that question, What have they done? It's true, there was an insurrection, and of some of the party, Wagstaffe, Wilmott, &c.; but are all therefore to be punished? What hath the whole party done? This I would say in general, that the old delinquent party have not only the same intentions that

they had when they were in open arms, and notoriously manifested it to the consciences of all men who will consider it, but they do retain their old principles, and still adhere to their former interest, (what that is I have spoken before,) and have been all along hatching new disturbances to trouble the peace of the state. And although the testimonies do not extend to such a proof as is necessary to a legal conviction, yet so much is known of the actions and conversation of the whole party as may satisfy any indifferent man, (especially a state who ought rather be too jealous than too secure,) that they were generally involved in the late design, and ought in reason to have the charge laid upon them.

To evince that, take a view of this party ever since the battle of Worcester. There you know their hopes were broken, and the lives and estates of that whole party in the three nations subjected to your power. What! doth the parliament apply themselves to heal and cement, and to take away the seeds of division? Hence it is, that not only justice is done them all, but an act of grace is granted to them, and that by the government! What do they meditate? The overthrow of those whose favour they were by the providence of God compelled to seek; for from that very day, until the late insurrection broke forth, they have been in agitation of ill designs.

MR. LENTHALL.

The Speaker (Lenthall's) Speech on the Inauguration of Cromwell.

May it please your Highness,

You are now upon a great theatre, in a large choir of people; you have the parliament of England, Scotland,

and Ireland, before you; on your right hand, my lords the judges; and on your left hand, the lord mayor, aldermen, and sheriffs of London, the most noble and populous city of England. The parliament, with the interposition of you suffrage, makes laws; and the judges and governors of London, are the great dispensers of those laws to the people.

The occasion of this great convention and intercourse is to give an investiture to your highness in that eminent place of lord protector. A name you had before, but it is now settled by the full and unanimous consent of the people of these three nations, assembled in parliament. You have no new name, but a new date added to the old name; the 16th of December, is now changed to the 26th of June.

I am commanded by the parliament to make oblation to your highness of four things, in order to this inauguration.

The first is, a robe of purple, an emblem of magistracy, and imports righteousness and justice. When you put on this vestment, I may say, (and I hope without offence,) that you are a gown man. This robe is of a mixed colour, to shew the mixture of justice and mercy, which are then most excellent when they are well tempered together. Justice without mercy, is wormwood and bitterness; and mercy without justice, is of too soft a temper for government; for a magistrate must have two hands, *plectentem et amplectentem.*

The next thing is a bible, a book that contains the holy scriptures, in which you have the honour and happiness to be well versed. This is the book of life, consisting of two testaments, the old and new. In the first we have *Christum velatum*, Christ in types, shadows, and figures; in the latter we have Christian revelation, Christ revealed. This book carries in it the grounds of the true Christian protestant religion; it is a book of books; it contains in it both precepts and examples for good government.

Alexander so highly valued the books of his master, Aristotle, and other great princes other books, that they have laid them every night under their pillows. These are but legends and romances to this one book; a book to be had always in remembrance. I find it is said in a part of this book, which I shall desire to read, and it is this:

Deut. 17. "And it shall be, when he sitteth upon the throne of his kingdom, that he shall write a copy of this law in a book, out of that which is before the priests and levites. And it shall be with him, and he shall read therein all the days of his life, that he may learn to fear the Lord God, and to keep all the words of his law, and those statutes to do them.

"That his heart be not lifted up above his brethren, and that he turn not aside from the commandment, to the right hand or to the left; to the end he may prolong his days in this kingdom, he and his children in the midst of Israel."

The next thing I am to offer to your highness, is a sceptre not unlike a staff; for you are to be a staff to the weak and poor. 'Tis of ancient use in this kind; 'tis said in scripture, in reference to Judah, the royal tribe, that the sceptre shall not depart from Judah. It was of like use in other kingdoms and governments: Homer, the prince of the Greek poets, calls kings and princes, sceptre-bearers.

The last thing is a sword, not a military, but a civil sword; a sword rather for defence than offence; not to defend yourself only, but others also. This sword is an emblem of justice. The noble lord Talbot, in Henry the Sixth's time, wrote upon his sword, *Ego sum Talboti propter occidendum inimicos meos.* This gallant lord was a better soldier than a critic. If I might presume to fix a motto upon this sword, it should be this: *Ego sum domini protectoris, ad protegendum populum meum.*

I say this sword is an emblem of justice, and it is to be used as king Solomon used his; for the discovery of

the truth in point of justice. I may say of this sword, as king David said of Goliah's sword, there is none like this. Justice is the proper virtue of the imperial throne, and by justice the thrones of kings and princes are established. Justice is a royal virtue, which, as one saith of it, doth employ the three cardinal virtues in her service.

1. Wisdom, to discern the nocent from the innocent.
2. Fortitude, to prosecute and execute.
3. Temperance, so to carry justice, that passion be no ingredient, and that it be without confusion or precipitation.

You have given ample testimony in all these particulars; so that this sword in your hand will be a right sword of justice, attended with wisdom, fortitude, and temperance.

When you have all these together, what a comely and glorious sight it is to behold a lord protector, in a purple robe, with a sceptre in his hand, a sword of justice girt about him, and his eyes fixed upon the bible! Long may you prosperously enjoy them all, to your own comfort, and the comfort of the people of these three nations.

OLIVER CROMWELL.

I had very comfortable expectations that God would make the meeting of this parliament a blessing; and the Lord be my witness I desired the carrying on the affairs of the nation to these ends. The blessing which I mean, and which we ever climbed at, was mercy, truth, righteousness, and peace; and which I desire may be improved.

That which brought me into the capacity I now stand in, was the petition and advice given me by you; who,

in reference to the ancient constitution, did draw me to accept the place of protector. There is not a man living can say I sought it; no, not a man nor woman treading upon English ground; but contemplating the sad condition of these nations, relieved from an intestine war, into a six or seven years' peace, I did think the nation happy therein. But to be petitioned thereunto, and advised by you to undertake such a government, a burden too heavy for any creature, and this to be done by the house that then had the legislative capacity;* I did look that the same men that made the frame, should make it good unto me. I can say, in the presence of God, in comparison with whom we are but like poor creeping ants upon the earth, I would have been glad to have lived under my wood side, to have kept a flock of sheep, rather than undertook such a government as this is; but, undertaking it by the advice and petition of you, I did look that you that had offered it unto me, should make it good.

I did tell you, at a conference concerning it, that I would not undertake it, unless there might be some other persons that might interpose between me and the house of commons, who then had the power to prevent tumultuary and popular spirits, and it was granted I should name another house. I named it of men that shall meet you wheresoever you go, and shake hands with you, and tell you it is not titles, nor lords, nor party, that they value, but a christian and an English interest; men of your own rank and quality, who will not only be a balance unto you, but to themselves, while you love England and religion.

Having proceeded upon these terms, and finding such a spirit as is too much predominant, every thing being too high or too low, when virtue, honesty, piety, and justice, are omitted, I thought I had been doing that which was my duty, and I thought it would have satisfied you; but if every thing must be too high or too low, you are not to be satisfied.

* How beautiful and eloquent!

Again, I would not have accepted of the government, unless I knew there would be a just accord between the governor and the governed; unless they would take an oath to make good what the parliament's petition and advice advised me unto; upon that I took an oath, and they took another oath upon their part, answerable to mine: and did not every one know upon what condition they swore? God knows, I took it upon the condition expressed in the government, and I did think we had been upon a foundation, and upon a bottom;* and there upon I thought myself bound to take it, and to be advised by the two houses of parliament; and we standing unsettled till we were arrived at that, the consequences would necessarily have been confusion, if that had not been settled. Yet there are not constituted hereditary lords, nor hereditary kings; the power consisting in the two houses and myself. I do not say that was the meaning of your oath to yourselves, that were to go against my own principles, to enter upon another man's conscience. God will judge between me and you. If there had been in you any intention of settlement, you would have settled upon this basis, and have offered your judgment and opinion.

God is my witness, I speak it, it is evident to all the world, and all people living, that a new business hath been seeking in the army, against this actual settlement made by your consent. I do not speak to these gentlemen, or lords, (pointing to his right hand,) whatsoever you will call them. I speak not this to them, but to you; you advised me to run into this place; to be in a capacity by your advice; yet instead of owning a thing taken for granted, some must have, I know not what; and you have not only disjointed yourselves, but the whole nation, which is in likelihood of running into more confusion, in these fifteen or sixteen days that you have sat, than it hath been from theraising of the last

* This is something like the style of Sir Hugh Evans, in Shakespear.

session of this day; through the intention of devising a commonwealth again, that some of the people might be the men that might rule all; and they are endeavouring to engage the army to carry that thing. And hath that man been true to this nation, whosoever he be, especially that hath taken an oath, thus to prevaricate? These designs have been among the army to break and divide us. I speak this in the presence of some of the army, that these things have not been according to God, nor according to truth, pretend what you will. These things tend to nothing else, but the playing the king of Scots' game, if I may so call him; and I think myself bound, before God, to do what I can to prevent it.

That which I told you in the Banquetting House, was true; that there were preparations of force to invade us; God is my witness, it has been confirmed to me since, within a day, that this king of Scots hath an army at the water side, ready to be shipped for England. I have it from those who have been eye witnesses of it; and while it is doing, there are endeavours from some, who are not far from this place, to stir up the people of this town into a tumulting. What if I had said into a rebellion? And I hope I shall make it appear no better, if God assist me. It hath been not only your endeavour to pervert the army, while you have been sitting, and to draw them to state the question about the commonwealth; but some of you have been listing of persons, by commission of Charles Stuart, to join with any insurrection that may be made. And what is like to come upon this, the enemy being ready to invade us, but even present blood and confusion? And if this be so, I do assign to this cause your not assenting to what you did invite me to by the petition and advice, as that which might be the settlement of the nation; and if this be the end of your sitting, and this be your carriage, I think it high time that an end be put unto your sitting, and I do dissolve this parliament. And let God judge between me and you.

RICHARD CROMWELL,

Succeeded his father in the Protectorate: but soon after, not being able to retain the government in his hands, he resigned, and went abroad. He died 1712. It is curious to have something of a man who, from the weakness either of his understanding or passions, tamely lost a kingdom which his father had gained.

Richard Cromwell's Speech on the Meeting of Parliament.

My Lords and Gentlemen,

I BELIEVE there are scarce any of you here, who expected some months since, to have seen this great assembly at this time in this place, in peace, considering the great and unexpected change which it hath pleased the all-disposing hand of God to make in the midst of us. I can assure you, that if things had been according to our own fears, and the hopes of our enemies, it had not been thus with us: and therefore it will become both you and me, in the first place (as to reverence and adore the great God, possessor of heaven and earth, in whose hands our breath is, and whose are all our ways, because of his judgments,) so to acknowledge him in his goodness to these lands, in that he hath not added sorrow to sorrow, and made the period of his late highness's life, and that of the nation's peace, to have been in one day.

Peace was one of the blessings of my father's government; a mercy, after so long a civil war, and in the midst of so great division which that war bred, is not usually afforded by God unto a people in so great a measure.

The cause of God and these nations, which he was engaged in, met in all the parts of it, as you well know, with many enemies and great opposition. The archers, privily and openly, sorely grieved him, and shot at him; yet his bow abode in strength, and the arms of

his hands were made strong by the hands of the mighty God of Jacob.

As to himself, he died full of days, spent in great and sore travail; yet his eyes were not waxed dim, neither was his natural strength abated, as was said of Moses. He was serviceable even to the last.

As to these nations, he left them in great honour abroad, and in full peace at home; all England, Scotland, and Ireland, dwelling safely, every man under his vine, and under his fig tree, from Dan, even to Beersheba.

He is gone to rest, and we are entered into his labours; and if the Lord hath still a blessing for these lands, (as I trust he hath,) as our peace hath been lengthened out to this day, so shall we go on to reap the fruit, and gather the harvest of what his late highness hath sown and laid the foundation of.

For my own part, being by the providence of God, and the disposition of the law, my father's successor, and bearing that place in the government that I do, I thought it for the public good to call a parliament of the three nations, now united and conjoined together into one commonwealth, under one government.

It is agreeable, not only to my trust, but to my principles, to govern these nations by the advice of my two houses of parliament. I find it asserted in the humble petition and advice, (which is the corner stone of this building, and that which I shall adhere to,) that parliaments are the great council of the chief magistrate, in whose advice both he and these nations may be most safe and happy. I can assure you, I have that esteem of them, and as I have made it the first act of my government to call you together, so I shall further let you see the value I have of you, by the answers that I shall return to the advice that shall be given me by you, for the good of these nations.

You are come up from your several counties, as the heads of your tribes, and with hearts, (I persuade my-

self,) to consult together for their good. I can say, I meet you with the same desires, having nothing in my design but the maintenance of the peace, laws, liberties, both civil and christian, of these nations; which I shall always make the measure and rule of my government, and be ready to spend my life for.

We have summoned you up at this time, to let you know the state of our affairs, and to have your advice in them; and I believe a parliament was never summoned upon a more important occasion.

It is true, as I have told you, we are, through the goodness of God, at this time in peace; but it is not thus with us because we have no enemies. No, there are enough, both within us and without us, who would soon put an end to our peace, were it in their power; or should it at any time come into their power.

It will be becoming your wisdom, to consider of the securing of our peace against those, who we all know are, and ever will be, our implacable enemies; what the means of doing this are, I shall refer unto you.

This I can assure you, that the armies of England, Scotland, and Ireland, are true and faithful to the peace and good interest of these nations; and it will be found so; and that they are a consistent body, and useful for any good ends; and if they were not the best army in the world, you would have heard of many inconveniences, by reason of the great arrear of pay which is now due unto them, whereby some of them are reduced to great necessities. But you shall have a particular account of their arrears, and I doubt not but consideration will be had thereupon, in some speedy and effectual way. And this being matter of money, I recommend it particularly to the house of commons.

You have, you know, a war with Spain, carried on by the advice of parliament. He is an old enemy, and a potent one; and therefore it will be necessary, both for the honour and safety of these nations, that that war be vigorously prosecuted.

Furthermore, the constitution of affairs in all our neighbour countries, and round about us (as well friends as enemies,) is very considerable, and calls upon us to be upon our guard, both at land and sea; and to be in a posture able to maintain and conserve our own state and interest.

Great and powerful fleets are preparing to be set forth into these seas, and considerable armies of several nations and kings are now disputing for the mastery of the Sound, with the adjacent islands and countries; among which is the emperor of Germany, with other popish states. I need not tell you of what consequence these things are to this state.

We have already interposed in these affairs, in such manner as we found it necessary for the interest of England; and matters are yet in such a condition in these parts, that the state may, with the assistance of God, provide that their differences may not prejudice us.

The other things that are to be said, I shall refer to my lord keeper, Fiennes; and close up what I have to say, with only adding two or three particulars to what I have already said.

And first, I recommend to your care, the people of God in these nations, with their concernments. The more they are divided among themselves, the greater prudence should be used to cement them.

Secondly, the good and necessary work of reformation, both in manners and in the administration of justice; that profaneness may be discountenanced and suppressed; and that righteousness and justice may be executed in the land.

Thirdly, I recommend unto you the protestant cause abroad, which seems at this time to be in some danger, having great and powerful enemies, and very few friends; and I hope and believe that the old English zeal in that cause, is still amongst us.

Lastly, my lords, and you, gentlemen of the house of commons, that you will, in all your debates, maintain

and conserve love and unity among yourselves, that therein you may be the pattern of the nation, who have sent you up in peace, and with their prayers, that the spirit of wisdom and peace may be among you; and this shall also be my prayer for you; and to this let us all add our utmost endeavours for the making this an happy parliament.

CHARLES II.

Was born 1630, and died 1685. This prince is justly celebrated for his understanding and wit. There is, however, nothing remarkable in his speeches to parliament, of which the following is a very fair specimen.

The King's Speech on the second meeting of Parliament.

My Lords, and Gentlemen of the House of Commons; I will not spend the time in telling you why I called you hither; I am sure I am glad to see you here. I do value myself much upon keeping my word, upon making good whatsoever I promise to my subjects. And I well remember when I was last in this place, I promised that I would call a parliament as soon as could be reasonably expected or desired; and truly, considering the season of the year, and all that has been done since we parted, you could not reasonably expect to meet sooner than now we do. If it might have been a week sooner, you will confess there was some reason to defer it to this day. For this day, (we may without superstition love one day, prefer one day before another, for the memory of some blessings that befel us that day,) and then you will not wonder that the memory of the great affection the whole

kingdom shewed to me this day twelve month, made me desirous to meet you again this day, when I dare swear you are full of the same spirit, and that it will be lasting in you. I think there are not many of you who are not particularly known to me; there are very few of whom I have not heard so much good, that I am sure as I can be of any thing that is to come, that you will all concur with me, and that I shall concur with you in all things which may advance the peace, plenty and prosperity of the nation; I shall be exceedingly deceived else.

My lords and gentlemen: You will find what method I think best for your proceedings, by two bills I have caused to be prepared for you, which are for confirmation of all that was enacted at our last meeting. And above all, I must repeat what I said when I was last here,—that next to the miraculous blessing of God Almighty, and indeed, as an immediate effect of that blessing, I do impute the good disposition and security we are all in, to the happy act of indemnity and oblivion. That is the principal corner stone which supports this excellent building, that creates kindness in us to each other, and confidence in our joint and common security. I am sure I am still of the same opinion, and more, if it be possible, of that opinion, than I was, by the experience I have of the benefit of it, and from the unreasonableness of what some men say against it, though I assure you not in my hearing. In God's name, provide full remedies for any future mischiefs; be as severe as you will against new offenders, especially if they be so upon old principles, and pull up those principles by the roots. But I shall never think him a wise man, who would endeavour to undermine or shake that foundation of our public peace, by infringing that act in the least degree; or that he can be my friend, or wish me well, who would persuade me ever to consent to the breach of a promise I so solemnly made when I was abroad; and performed with that solemnity, because, and after I pro-

missed it, I cannot suspect any attempts of that kind by any men of merit and virtue.

I will not conclude without telling you some news; news that I think will be very acceptable to you, and therefore I should think myself unkind and ill natured if I should not impart it to you: I have been often put in mind by my friends, that it was now high time to marry, and I have thought so myself ever since I came into England. But there appeared difficulties enough in the choice, though many overtures have been made to me; and if I should never marry till I could make such a choice, against which there could be no foresight of any inconvenience that may ensue, you would live to see me an old bachelor, which, I think, you do not desire to do. I can now tell you not only that I am resolved to marry, but to whom I resolve to marry, if God please. And towards my resolution, I have used that deliberation, and taken that advice, as I ought to do in an affair of that importance; and trust me, with as full consideration of the good of my subjects in general, as of myself. It is with the daughter of Portugal; when I had, as well as I could, weighed all that occurred to me, the first resolution I took, was to state the whole overtures which had been made to me, and in truth all that had been said against it, to my privy council; without hearing whose advice, I never did, nor ever will, resolve any thing of public importance; and I tell you, with great satisfaction and comfort to myself, that after many hours' debate in a full council, for I think there was not above one absent; and truly I believe upon all that can be said upon that subject, for or against it, my lords, without one dissenting vote; yet there were very few sat silent, but advised me with all imaginable chearfulness to this marriage; which I looked upon as very wonderful, and even as some instance of the approbation of God himself; and so took up my own resolution, and concluded all with the ambassador of Portugal, who is departing with the whole treaty, signed, which you will find to contain

many great advantages to the kingdom; and I shall make all the haste I can to fetch you a queen hither, who, I doubt not, will bring great blessings with her to me and you.

EDWARD HYDE,

(Earl of Clarendon, and Lord Chancellor of England,)

Was born in 1608, and died abroad in 1673. He was a steady adherent to the royal party, but in 1667 he was accused of treason, and obliged to withdraw secretly into France. He was a man of great abilities, and wrote the well known history of the Rebellion. His daughter was married to James II.

The Lord Chancellor's Speech at the Restoration.

My Lords and Gentlemen,

You are now returning to your counties to receive the thanks and acknowledgments of friends and neighbours for the great things you have done, and to make the burdens you have laid upon them easy, by convincing them of the inevitable necessity of their submitting to them. You will make them see that you have proceeded very-far towards the separation, and even divorce of that necessity from them, to which they have been so long married; that they are now restored to that blessed temper of government, under which their ancestors enjoyed so many hundred years, that full measure of felicity, and the misery of being deprived of which they have so sensibly felt; that they are now free from those midnight alarms with which they have been so terrified, and rise off their beds at their own healthy houses, without being saluted with the death of a husband, a son, or a friend, miserably killed the night or day before, and with such circumstances killed as improved the misery beyond the loss itself. This enfranchisement is worth

all they pay for it. Your lordships will easily recover that estimation and reverence that is due to your high condition, by the exercise and practice of that virtue from whence your honours first sprang; the example of your justice and piety will inflame the hearts of the people towards you, and from your practice they will make a judgment of the king himself. They know very well that you are not only admitted to his presence, but to his conversation, and even in a degree to his friendship: for you are his great council. By your example they will form their own manners, and by yours they will make a guess at the king's; therefore under that obligation, you will cause your piety, your justice your affability, and your charity, to shine as bright as is possible before them. They are too much in love with England, too partial to it, who believe it the best country in the world; there is a better earth, and a better air, and better, that is, a warmer sun, in other countries; but we are no more than just when we say, that England is an inclosure of the best people in the world, when they are well informed and instructed; a people in sobriety of conscience the best devoted to God Almighty; in the integrity of their affections, the most dutiful to the king; in their good manners and inclinations, most regardful and loving to the nobility; no nobility in Europe so entirely beloved by the people; there may be more awe and fear, and terror of them, but no such respect towards them as in England. I beseech your lordships do not undervalue this love; they have looked upon your lordships, and they will look upon your lordships again, as the greatest example and pattern of duty to the king; as their greatest security and protection from injury and injustice, and for their enjoying whatsoever is due to them by the law, and as the most proper mediators and interposers to the king, if, by any failure of justice, they should be exposed to any oppression and violence; and this exercise of your justice and kindness towards them will make them the more abhor and abominate

that party upon which a commonwealth must be founded, because it would extirpate, or suppress, or deprive them of their beloved nobility, which are such a support and security to their full happiness.

And you, gentlemen of the house of commons, who are now returning to your country laden with a trust not inferior or less weighty than that you brought from thence: you came up their deputies to the king, and he returns you now his deputies to them; his plenipotentiaries to inform and assure them that he thinks himself the happiest and greatest prince in the world; not from the situation of his dominions and the power of his great navy, with which he can visit his neighbours, and keep them from visiting him, nor from the noble revenue you have settled upon him, which he will improve with all good husbandry; but being possessed of the affections and hearts of such subjects, that he doth so intirely love them and depend upon them, that all his actions and all his councils shall tend to no other end but to make them happy and prosperous; that he thinks his honour and his interest principally to consist in providing for, and advancing the honour and interest of the nation.

That you may have the more credit in what you say, he will not take it unkindly if you publish his defects and infirmities; you may tell them that he is so confident in the multitude of his very good and faithful subjects, that he is very hard to be pursuaded that his few ill and unfaithful subjects can do him much harm; that he so much depends on the affections of honest men, and their zeal for his security, that he is not so solicitous and vigilant for his own safety as he ought to be, amidst so many combinations of which he is so well informed; that his servants, who with grief and anguish importune him not to take so little care of his own safety, can obtain no other answer from him than what Cæsar heretofore gave to his zealous friends: *Mori me malle quam timere.* He will die any death rather than live in fear of his own subjects, or that they should be in fear of him.

You may tell them, as a great infirmity, that a troubled and discontented countenance so afflicts him, that he would remove it from them at his own charge, as if he himself were in the fault. And when he hath been informed of any less kind or jealous thing said amongst you, (as your windows are never so close shut but that the sound of your words goes to the several corners of the town,) his majesty hath been heard to say no more but "What have I done? I wish that gentleman and I were acquainted, that he knew me better." Oh, gentlemen, you cannot be yourselves, nor you cannot make others too jealous or too zealous for such a prince's safety, or too solicitous for such a prince's satisfaction and content; to whom we may very justly say, as the king of Tyre writ to Solomon, "Because God hath loved his people, he hath made thee king over them." Even his own defects and infirmities are very necessary towards the full measure of your prosperity.

My lords and gentlemen, God hath enabled us to invert one argument, which I hope may, to a good degree, repair the much mischief it hath heretofore done. It hath been urged very unreasonably, yet successfully urged, in the worst times, that it was not faith, but presumption, to expect that God would restore a family with which he seemed to have a controversy, and hath humbled so far; that he would countenance a party that he had so much discountenanced, and almost destroyed. We may here much more reasonably, and therefore I hope as effectually, press the miracles that God Almighty hath lately wrought for king and people, as an evidence that he will not again easily forsake them. We may tell those who are using all their endeavours to embroil the nation in new troubles, that it is not probable that a nation against which God hath seemed these late years to have pronounced his judgments in the very language of the prophets: Go, ye swift messengers, to a nation scattered and peeled, to a people terrible from the beginning hitherto, to a nation rooted out and

trodden down, whose lands the rivers have spoiled; the Lord hath mingled a perverse spirit in the midst thereof, that he should reduce that perverseness to the greatest meekness and resignation. That he should withdraw his judgment from this nation, and in a moment restore it to all the happiness it can wish, and to no other end but to expose it to the mercy and fury of a few discontented persons, tho worst of the nation, is not easy to be believed.

We may tell these who still contrive the ruin of the church, (the best, and best reformed church in the christian world, reformed by that authority, and with those circumstances as a reformation ought to be made,) that God would not so miraculously have snatched this church as a brand out of the fire, would not have raised it from the grave after he had suffered it to be buried so many years, by the boisterous hands of profane and sacrilegious persons under its own rubbish, to expose it again to the same rapine, reproach, and impiety. That church which delights itself in being called catholic, was never so near expiration, never had such a resurrection. That so small a pittance of meal and oil should be sufficient to preserve and nourish the poor widow and her family so long, is very little more miraculous than that such a number of pious, learned, and very aged bishops should so many years be preserved in such wonderful straits and oppressions until they should plentifully provide for their own succession. That after such a deep deluge of sacrilege, profaneness, and impiety had covered, and, to common understanding, swallow it up, that the church should again appear above the waters, God be again served in that church, and served as he ought to be, and there should be some revenue left to support and encourage those who serve him; nay, that many of those who seemed to thirst after that revenue till they had possessed it should conscientiously restore what they had taken away, and became good sons and willing tenants to that church they had so lately spoiled, may make us all

piously believe that God Almighty would not have been at the expense and charge of such a deliverance but in the behalf of a church very acceptable to him, and which shall continue to the end of the world, and against which the gates of Hell shall not be able to prevail.

We may tell those desperate wretches who still harbour in their thoughts wicked designs against the sacred person of the king, in order to the compassing of their own imaginations, that God Almighty would not have led him through so many wildernesses of afflictions of all kinds; conducted him through so many perils at sea, and perils by land; snatched him out of the midst of this kingdom when it was not worthy of him, and when the hands of his enemies were even upon him, when they thought themselves so sure of him, that they would bid so cheap and so vile a price for him, he could not in that article have so covered him with a cloud, that he travelled, even with some pleasure and observation, through the midst of his enemies. He would not so wonderfully have new modelled that army, so inspired their hearts, and the hearts of the whole nation, with an honest and impatient longing for the return of their dear sovereign; and in the mean time have so tried him, (which had little less providence in it than the other,) with these unnatural, or at least unusual disrespects and reproaches abroad, that he might have a harmless and an innocent appetite to his own country, and return to his own people with a full value, and the whole unwasted bulk of his affections, without being corrupted and biassed by extraordinary foreign obligations. God Almighty would not have done all this but for a servant whom he will always preserve as the apple of his own eye, and always defend from the most secret imaginations of his enemies.

If these argumentations, gentlemen, urged with that vivacity as is most natural to your own gratitude and affections, recover as many (and it would be strange if they should not) as have been corrupted by the other logic, the hearts of the whole nation, won to a man, will

insensibly be so devoted to the king, as the only conservator and protector of all that is dear and precious to them, and will be so zealous to please him, whose greatest pleasure is to see them pleased, that when they make choice of persons again to serve in parliament, they will not choose such as they wish should oppose the king, but therefore choose, because they have, and because they are like to serve the king with their whole hearts; and since he desires what is best for his people, to gratify him in all his desires. This blessed harmony would raise us to the highest pinnacle of honour and happiness in this world; a pinnacle without a point, upon which king and people may securely rest and repose themselves against all the gusts, and storms, and temptations, which all the malice of this world can raise against us; and I am sure you will all contend to be at the top of the pinnacle.

I have no more to add but the words of custom; that the king declares this present parliament to be dissolved; and this parliament is dissolved accordingly.

GEORGE VILLIERS,

(Second Duke of Buckingham.)

Born 1627, died 1688. He is famous for having written the satirical play of the Rehearsal His speech at a grave conference between the lords and commons, to decide the limits of the judicial authority of the former, is very like what one might expect from him He seems chiefly anxious to avoid the imputation of knowing or caring more about the matter than became a gentleman, and a wit; at the same time he talks very well about it.

Duke of Buckingham's Speech on the Right of the Lords to try certain Causes.

Gentlemen of the House of Commons,

I AM commanded by the house of peers to open to you the matter of this conference, which is a task I could wish their lordships had been pleased to lay upon any body else, both for their own sakes and mine; having observed in that little experience I have made in the world, there can be nothing of greater difficulty, than to unite men in their opinions, whose interests seem to disagree.

This, gentlemen, I fear, is at present our case; but yet I hope, when we have a little better considered of it, we shall find that a greater interest does oblige us, at this time, rather to join in the preservation of both our privileges, than to differ about the violation of either.

We acknowledge it is our interest to defend the right of the commons; for should we suffer them to be oppressed, it would not be long before it might come to be our own case; and I humbly conceive it will also appear to be the interest of the commons to uphold the privilege of the lords, that so we may be in a condition to stand by and support them.

All that their lordships desire of you upon this occasion, is, that you will proceed with them as usually friends do, when they are in dispute one with another; that you will not be impatient of hearing arguments urged against your opinions, but examine the weight of what is said, and then impartially consider which of us two are the likeliest to be in the wrong.

If you are in the wrong, we and our predecessors have been so for these many hundred years; and not only our predecessors, but yours too. This being the first time that ever an appeal was made, in point of judicature, from the lords' house to the house of com-

mons: nay, those very commons which turned the lords out of this house, though they took from them many other of their privileges, yet left the constant practice of this till the very last day of their sitting; and this will be made appear by several precedents these noble lords will lay before you, much better than I can pretend to do.

Since this business has been in agitation, their lordships have been a little more curious than ordinary, to inform themselves of the true nature of these matters now in question before us, which I shall endeavour to explain to you as far as my small ability, and my aversion to hard words, will give me leave. For, howsoever the law, to make it a mystery and a trade, may be wrapt up in terms of art, yet it is founded in reason, and is obvious to common sense.

The power of judicature does naturally descend, and not ascend; that is, no inferior court can have any power which is not derived to it from some power above it.

The king is by the laws of this land, supreme judge in all cases ecclesiastical and civil; and so there is no court, high or low, can act but in subordination to him; and though they do not all issue out their writs in the king's name, yet they can issue out none but by virtue of some power they have received from him.

Now, every particular court has such particular power as the king has given it, and for that reason has its bounds: but the highest court in which the king can possibly sit, that is, his supreme court of lords in parliament, has in it all his judicial power, and consequently no bounds; I mean, no bounds of jurisdiction: for the highest court is to govern according to the laws, as well as the lowest.

I suppose none will make a question, but that every man, and every cause, is to be tried according to *magna charta*; that is, by his peers, or according to the laws of the land; and he that is tried by the ecclesiastical courts,

the court of admiralty, or the high court of lords in parliament, is tried as much by the laws of the land as he that is tried by the king's bench or common pleas.

When these inferior courts happen to wrangle among themselves, which they must often do by reason of their being bound up to particular causes, and their having all equally and earnestly a desire to try all causes themselves, then the supreme court is forced to hear their complaints, because there is no other way of deciding them; and this, under favour, is an original cause of courts, though not of men.

Now these original causes of courts must also of necessity induce men, for saving of charges, and dispatch sake, to bring their causes originally before the supreme court; but then the court is not obliged to receive them, but proceeds by rules of prudence, in either retaining or dismissing them, as they think fit.

This is the sum of all that your precedents can shew us, which is nothing but what we practice every day; that is, very often, because we would not be molested with hearing two many particular causes, we refer them back to other courts: and all the argument you can possibly draw from this, will not in any kind lessen our power, but only show an unwillingness we have to trouble ourselves often with matters of this nature.

Nor will this appear strange, if you consider the constitution of our house; it being made up partly of such whose employments will not give them leisure to attend the hearing of private causes, and entirely of those that can receive no profit by it.

And the truth is, the dispute at present is not between the house of lords and house of commons, but between us and Westminster Hall: for as we desire to have few or no causes brought before us because we get nothing by them, so they desire to have all causes brought before them, for a reason a little of the contrary nature.

For this very reason, it is their business to invent new ways of drawing causes to their courts, which

ought not to be pleaded there; as, for example, this very cause of Skinner that is now before us (and I do not speak this by rote, for I have the opinion of a reverend judge in the case, who informed us of it the other day in the house,) they have no way of bringing this cause into Westminster Hall, but by this form, the reason and sense of which I leave you to judge of.

The form is this; that instead of speaking as we ordinary men do that have no art, that Mr. Skinner lost a ship in the East Indies, to bring this into their courts they must say, that Mr. Skinner lost a ship in the East Indies, in the parish of Islington, in the county of Middlesex.

Now some of us lords that did not understand the refinedness of this style, began to examine what the reasons of this should be; and so we found, that since they ought not, by right, to try such causes, they are resolved to make bold, not only with our privileges, but the very sense and language of the whole nation.

This I thought fit to mention, only to let you see that the whole cause, as well as many others could not be tried properly in any place but at our bar, except Mr. Skinner would have taken a fancy to try the right of jurisdictions between Westminster Hall and the court of admiralty, instead of seeking relief for the injuries he had received, in the place only where it was to be given him.

One thing I hear is much insisted upon, which is the trial without juries: to which I could answer, that such trials are allowed of in the chancery and other courts, and that when there is occasion for them we make use of juries too, both by directing them in the king's bench, and having them brought up to our bar.

But I shall only crave leave to put you in mind, that if you do not allow us, in some cases, to try without juries, you will then absolutely take away the use of impeachments; which I humbly conceive you will not think proper to have done at this time.

LORD BRISTOL.

I have given the following Speech, because it discovers a quaint sort of familiar common sense.

Lord Bristol's Speech on the Test Act.

In the first place, my lords, I beseech you to consider, that this bill, for securing of general fears, is brought up to you from the house of commons, the great representative of the people, and consequently the best judges of the true temper of the nation; a house of commons, surpassing all that ever have been, in the illustrious marks of their duty, loyalty, and affection to their sovereign, both in his person and government: such a house of commons as his majesty ought to consider and cherish always, with such a kind love as is due to a wife, never to be parted with unkindly, or as a mistress, to be turned off when our turn is served by her. My lords, this casual mention of a wife suggests to my thoughts a pursuance of the comparison. I have observed, in the course of my life, that men who have wifes somewhat coquet, that is, a little subject to gallantries, live easier lives with them, and freer from troublesome contentions, than those who have wives of exact rigid virtue: and the reason is clear; for the more gamesome ladies, being conscious of their failings in that essential part, are careful to disguise and repair them by kind and tender compliances with their husbands' humours in all other things; whereas wives severely punctual and exact in the chief matrimonial duty, expect, and even exact, far greater compliances from their husbands, and think themselves as it were privileged by the rigidness of their virtue, to be sometimes troublesome in domestic

affairs; especially, if there be any jealousy in the case. In like manner, my lords, it is not to be much wondered at, if this incomparable house of commons, transcending all that ever were in the grand essentials of duty, loyalty, and affection to their king, should, at some times, be a little troublesome to him in lesser occurrences; especially when once fears and jealousies are on the wing. My lords, I shall not pretend to determine whether there have been any just grounds given by any violent men, or by the unreasonable ambition of any Roman catholics, for such fears and jealousies; it suffices to exact the necessity of a timely remedy, since they have, indeed, most violently seized and distempered the minds of the major part of his majesty's protestant subjects, which certainly no man conversant in the world can deny. Now, my lords, in popular fears and apprehensions, those usually prove most dangerous, that are raised upon grounds not well understood; and may rightly be resembled to the fatal effects of panic fears in armies, where I have seldom seen great disorders arise from intelligencies brought in by parties and scouts, or by advertisements to generals, but from alarms upon groundless and capricious fears of danger, taken up, we know not either how or why. This, no man of moderate experience in military affairs, but hath found the dangerous effects of one time or other; in giving a stop to which mischief, the skill of great commanders is best seen. In like manner, my lords, this great and judicious assembly of the house of commons, rightly sensible of the dangerous effects which so general a disturbance of men's minds in the concernments of religion, (how groundless soever) might produce, have applied their care to obviate them by this bill; a bill, in my opinion, as full of moderation towards catholics, as of prudence and security towards the religion of the State. In this bill, my lords, notwithstanding all the alarms of the increase of popery and designs of papists, here is no mention of barring them from a private and modest

exercise of their religion; no banishing them to such a distance from court; no putting in execution of penal laws in force against them. All their precautions are reduced to this one intent, natural to all societies of men, of hindering a lesser opposite party from growing too strong for the greater and more considerable one. And in this just way of prevention, is not the moderation of the house of commons to be admired, that they have restrained it to the sole point of debarring their adversaries from offices and places, from accession of wealth, by favour of the sovereign? And after all, my lords, how few do these sharp trials and tests of this act regard. Only a few such Roman catholics as would fain hold offices and places at the price of hypocrisy and dissimulation of their true sentiments in religion. My lords, however the sentiments of a catholic of the church of Rome, (I still say not of the court of Rome,) may oblige me, upon scruple of conscience in some particulars of this bill, to give my negative to it when it comes to passing, yet, as a member of the protestant parliament, my advice prudentially cannot but go along with the main scope of it, the present circumstances of time and affairs considered, and the necessity of composing the disturbed minds of the people.

HENEAGE FINCH,

(First Earl of Nottingham, Son of Sir Heneage Finch,)

Was born 1621, and died 1682. He was member for Oxford, and 1670 appointed attorney general, and afterwards lord keeper and lord chancellor. In this latter office he succeeded Lord Clarendon. He was rather an elegant speaker.

The Lord Keeper Finch's Address to both Houses.

My lords, and you, the knights, citizens, and burgesses of the house of commons: The causes of this pre-

sent assembly, and the reasons which have moved his majesty to command your attendance upon him at this time, are of the highest importance. The king resolves to enter into terms of the strictest correspondence and endearment with his parliament; to take your counsel in his most weighty affairs; to impart all his cares to you; to acquaint you with all his wants and necessities; to offer you all that can be yet wanting to make you enjoy yourselves; to establish a right understanding between him and his three estates, and between the estates themselves; to redress all your just complaints, and to put all his subjects at ease as far as in him lies, and can consist with the honour and safety of the government. And having made all these advances, he doubts not but you will behave yourselves like those that deserve to be called the king's friends, and that you will put him at ease too. There is no cause why any fears of religion or liberty should divert you; for his majesty hath so often recommended to you the consideration of religion, so very often desired you to assist him in his care and protection of it, that the defender of the faith is become the advocate of it too, and hath left all those without excuse who still remain under any kind of doubts or fears. Again, the care of your civil rights and liberties hath been so much his majesty's, that the more you reflect upon these concerns, the more you will find yourselves obliged to acknowledge his majesty's tenderness of you, and indulgence to you. Search your own annals, the annals of those times you account most happy you will scarce find one year without an example of something more severe, and more extraordinary, than a whole reign hath yet produced. Peruse the histories of foreign nations, and you shall find statues and altars to have been erected to the memories of those princes whose best virtues never arrived to half that moderation which we live to see and enjoy. No king did ever meet a parliament with juster cause of confidence in their affections; and therefore his majesty will not suffer him-

self to doubt, but relies firmly upon it, that you never will forsake him when he is under any kind of difficulties. He doth assure himself that you will now think fit to provide for his honour and your own safety, by helping him to pay some part of his debts, and to make his navy as great and as considerable as it ought to be; for the greatness of the king is the greatness and safety of his people. The springs and rivers which pay tribute to the ocean, do not lessen, but preserve themselves by that contribution. It is impossible that those affections that piety and allegiance first planted, which persecution could not abate, which the gracious influences of his majesty's happy government have hitherto encreased, should now appear to wither and decay. But then the best indication of the heart is by the hand; and because it is of infinite moment to the king's affairs that there should be a chearful concurrence to his supplies, then let hand and heart both join in the oblation, for that will make it a sacrifice well pleasing indeed.

My lords and gentlemen: The happiness of this present age, and the fate and fortune of the next, too, is very much in your hands; and at this time all that you would desire to settle and improve, all that you would wish to secure and transmit to your posterities, may now be accomplished. Would you raise the due estimation and reverence of the church of England to its just height? Would you provide for the safety and establishment of it? Do there want any laws to secure the peace and quiet of the state? Would you enrich and adorn this kingdom by providing for the extent and improvement of trade, by introducing new and useful manufactures, and by encouraging those we have already? Would you prevent all frauds and perjuries, all delays and abuses in the administration of justice? Would you preserve a famous city from being depopulated by the suburbs? Would you restrain the excess of those new buildings which begin to swarm with inhabitants unknown? All your petitions of this kind will be grateful

to the king, and you may with ease effect all these and much more, which your great wisdoms will suggest to you. A little time will serve to make many excellent laws, and to give you the honour to be the repairers of all our breaches; so as that time be wholly employed upon the public, and not taken up by such considerations as are less meritorious. If, therefore, there be any without doors that labour to disunite your counsels, or to render them ineffectual, if they can hope that the occasions for this may arise from some differences within yourselves, or hope by those differences to disguise their own disaffections to your good proceedings, 'tis in your power to defeat those hopes, to pull off this disguise, and to secure a happy conclusion of this meeting by studying to preserve a good correspondence, and by a careful avoiding all such questions as are apt to engender strife. And if ever there was a time when the gravity of the council, the wisdom and good temper of a parliament, were necessary to support that government which only can support these assemblies, certainly this is the hour. You see with what zeal the king hath recommended to you a good agreement between yourselves, and that he doth it with all the care and compassion, all the earnestness and importunity fit for so great a prince to express; who would be very sorry that any such misfortune as your disagreement should either deprive him of your advice and assistance, or his people of those good laws which he is ready to grant you. There is no other way our enemies can think of by which 'tis possible for this session to miscarry, for fears and jealousies cannot enter here; calumnies and slanders will find no place amongst wise and good men. They that use these arts abroad, will quickly be discredited when the world shall see the generous effects of your confidence. Men will despair of attempting any disturbance in the state, when they see every step that tends that way, serves only to give you fresh occasions to testify your loyalty and your zeal. You have all the reason in the world to make men see

this, for you have the same monarchy to assert, the same church to defend, the same interests of nobility and gentry to maintain, the same excellent king to contend for, and the same enemies to contend against.

And now, my lords and gentlemen, since the whole session of parliament is, in the judgment and construction of our law, but as one day, let us endeavour that the morning of it, the first entrance upon it, may be with such fair and auspicious circumstances as may give the whole kingdom an assurance of a bright and chearful day. Let no ill humours gather into clouds to darken or obscure it, for this day is a critical day, and more depends upon that judgment of our affairs which will be made by it, than can easily be imagined. It imports us, therefore, to take care that no part of this time be lost; let every precious minute of this day be spent in receiving such acts of grace and goodness as are ready to flow from the king, and in making such retributions for them as may become the grateful hearts of the best of subjects to the best of kings. So shall this day become a day of disappointment and discomfort to our enemies, but to us and all good men a glorious day, a day of triumph and deliverance, a memorable and joyful day to this present, and to all future generations.

Another, by the same.

My Lords, &c.

By the most gracious pleasure of the king, you are here again assembled to hold another session of this parliament, wherein the king expects your advice and your assistance; your advice in matters of the highest deliberation, your assistance in matters of extreme and pressing difficulty. Your deliberations will chiefly be exercised about those things which belong to your peace, the peace of the church, and the peace of the state; two considerations of so close a connexion be-

tween themselves, that in the very original writ of summons, by virtue of which you still sit here, they are jointly recommended to your counsel and care. The peace of the church is harder to preserve than the peace of the state; for they who desire innovations in the state, most commonly begin the attempt upon the church. And by this means it comes to pass that the peace of the church is so often disturbed; not only by those poor mistaken souls, who deserve to be pitied, but by malicious and designing men, who deserve to be punished. And while things continue in this estate, it cannot be avoided, but that the laws which are necessary to restrain the malicious, must and will sometimes disquiet and wound those that are weak. What remedies are fit for this disease; whether the fault be in the laws, or the men; in the men that should obey or in the men that should execute; whether the cure be a work of time and patience, or of zeal and diligence; or whether any new expedient can be found to secure the ship from that storm which the swelling of two contrary tides seems to threaten, is wholly left to your advice. The king hath called you for that end, and doubts not but your councils will be such as shall tend to safety and to establishment.

The peace of the state requires as much of your care and vigilance too; our peace at home and our peace abroad. As for that abroad, we are at this time, blessed be God for his mercy to us, and the king for his care of us, in perfect peace with all the nations upon earth; such a peace as makes us the envy of the christian world, and hath enabled us to do ourselves right against the infidels. Such a peace as brings with it all the fruits of peace, and deserves not only our prayers for the continuance of it, but our best and most watchful care that nothing may be done on our part to give it an interruption. But then we must consider again, that our peace abroad will not subsist any longer than while we maintain our peace at home; for without this, no kingdom can be able to act in its full strength; and without that,

the friendship and enmity of any nation ceases to be considerable to its neighbours. Now 'tis a great and dangerous mistake in those who think the peace at home is well enough preserved so long as the sword is not drawn; whereas, in truth, nothing deserves the name of peace but unity; such an unity as flows from an unshaken trust and confidence between the king and his people, from a due reverence and obedience to the laws and to his government; from a religious and awful care, not to remove the ancient land-marks, nor to disturb those constitutions which time and the public convenience have settled; from a zeal to preserve the whole frame and order of the government upon the old foundations, and from a perfect detestation and abhorrence of all such as are given to change: whatever falls short of this, falls short of peace too. If, therefore, there be any endeavours to renew, nay, if there be not all possible endeavours to extinguish the memory of all former provocations and offences, and the occasions of the like for the future, if there be such divisions as beget great thoughts of heart, shall we call this peace, because it is not war, or because men do not yet take the field? As well we may call it health when there is a dangerous fermentation in the blood and spirits, because the patient hath not yet taken his bed.

[Then laying open the difficulties with relation to the weakness of the fleet and the king's particular debts, he proceeded thus:]

One difficulty more there is, without which all the rest were none; and that is, the strange diffidence and distrust which, like a general infection, begins to spread itself through all the corners of the land. Much of this rises from the artifice of ill men, who would create and nourish all the suspicions they can devise; but the cure of it lies perfectly in your hands; for all will presently vanish as soon as men shall see your acquiescence, and the fruits of it, in a chearful concurrence with his majesty to all these good and public ends which he hath now so

earnestly recommended to you. It would be somewhat strange, and without all example in story, that a nation should be twice ruined, twice undone, by the self-same ways and means, the same fears and jealousies. Will any man that but gives himself leave to think, refuse to enjoy and take comfort in the blessings that are present, only for fear of future changes and alterations? Surely it is enough for any kingdom, and more than most kingdoms of the world can boast of, to have their affairs brought into such condition, that they may, in all human probability, and unless by their own default, continue a long time safe and happy. Future contingencies are not capable of any certain prospect. A security beyond that of human probability, no nation ever did or ever shall attain to. If a kingdom be guarded by nature against all dangers from without, and then will rely too much upon what nature hath done for them: if a kingdom be warned and cautioned against all dangers from within, by former experiences, and then will either forget, or make no use of those experiences: if a kingdom be powerful in shipping and navigation, and then see their neighbours endeavouring to overpower them that way, without being solicitous to augment and reinforce their own naval strength: if a kingdom be happy in the frequent assemblies of their great councils, where all that is grievous may be redressed, and all that is wanting may be enacted, and then will render those councils useless and impracticable, by continuing endless distractions; who can wonder if their affairs should begin to be less prosperous, when otherwise, humanly speaking, and in all common probability, their condition would have been out of the reach of fortune and their security in a manner impregnable.

My lords and gentlemen, if the presaging malice of our enemies should portend any such fate as this to befall us, the wisdom and magnanimity of this great council will quickly be too hard for all their auguries; the honour and loyalty of this august and venerable as-

sembly will leave no kind of room for such divinations You that have the happiness to live under so excellent a monarchy, so admirable a constitution and temper of government; you that remember what the want of this government cost us, and the miserable desolations which attended it, have all the motives, and are under all possible obligations, to secure and advance the interest of it. The king, on his part, meets you with so open and so full a heart, and so absolutely resolved to do his utmost to glad the hearts of his people, that it must be the strangest infelicity in the world, if either he or his subjects should meet with any disappointments here; for the king hath no desires but what are public, no ends or aims which terminate in himself; all his endeavours are so entirely bent upon the welfare of his whole dominions, that he doth not think any man a good subject, who doth not heartily love his country: and therefore let no man pass for a good patriot, who doth not heartily love and serve his prince. Private men, indeed, are subject to be misled by private interests, and may entertain some vain and slender hopes of surviving the public; but a prince is sure to fall with it, and therefore can never have any interests divided from it. To live and die with the king is the highest profession a subject can make, and sometimes 'tis a profession only, and no more; but in a king 'tis an absolute necessity; 'tis a fate inevitable that he must live and die with his people. Away then with all the vain imaginations of those who infuse a misbelief of the government. Away with all those ill meant distinctions between the court and the country, between the natural and the politic capacity, and let us all who go about to persuade others that there are several interests, have a care of that precipice to which such principles may lead them; for the first men that ever began to distinguish of their duty, never left off till they had quite distinguished themselves out of their allegiance. Let no contention then come near this place, but that of a noble

emulation who shall serve his country best, by well serving of the king: let no passion enter here, but that of a pious zeal to lay hold upon all opportunities of promoting the honour and service of the crown, till our enemies despair of ever profiting by any disorders amongst us; and let all who pray for the long life and prosperity of the king add their endeavours to their prayers, and study to prolong his sacred life, by giving him all the joys of heart which can arise from the demonstrations of the lively and the warm affections of his people.

DUKE OF BUCKINGHAM.

His Speech on the Dissolution of Parliament.

My Lords,

I HAVE often troubled your lordships with my discourse in this house; but I confess I never did it with more trouble to myself than I do at this time, for I scarce know where I should begin, or what I have to say to your lordships: on the one side, I am afraid of being thought an unquiet and pragmatical man; for in this age, every man that cannot bear every thing, is called unquiet; and he that does ask questions, for which we ought to be concerned, is looked upon as pragmatical. On the other side, I am still more afraid of being thought a dishonest man; and of all men, I am most afraid of being thought so by myself, for every one is the best judge of the integrity of his own intentions; and though it does not always follow that he is pragmatical whom others take to be so, yet this never fails to be true,—that he is most certainly a knave who takes himself to be so. Nobody is answerable for more understanding than God Almighty has given him; and therefore, though I should be in the wrong if I tell

your lordships truly and plainly what I am really convinced of, I shall behave myself like an honest man; for it is my duty, so long as I have the honour to sit in this house, to hide nothing from your lordships, which I think may concern his majesty's service, your lordships' interest, or the good and quiet of the people of England.

The question, in my opinion, which now lies before your lordships, is not what we are to do, but whether at this time we can do any thing as a parliament; it being very clear to me that the parliament is dissolved: and if, in this opinion, I have the misfortune to be mistaken, I have another misfortune joined to it, for I desire to maintain the argument with all the judges and lawyers in England, and leave it afterwards to your lordships to decide whether I am in the right or no. This, my lords, I speak not out of arrogance, but in my own justification, because if I were not thoroughly convinced that what I have now to urge is grounded upon the fundamental laws of England, and that the not pressing it this time might prove to be of a most dangerous consequence both to his majesty and the whole nation, I should have been loth to start a notion which, perhaps, may not be very agreeable to some people; and yet, my lords, when I consider where I am, whom I now speak to, and what was spoken in this place about the time of the prorogation, I can hardly believe what I have to say will be distasteful to your lordships.

I remember very well how your lordships were then displeased with the house of commons; and I remember too as well what reasons they gave you to be so. It is not so long since, but that I suppose your lordships may call to mind that, after several odd passages between us, your lordships were so incensed, that a motion was made here for an address to his majesty about the dissolution of this parliament; and though it failed of being carried in the affirmative by two or three voices, yet this in the debate was remarkable, that it prevailed with

much the major part of your lordships that were here present, and was only overpowered by the proxies of those lords who never heard the arguments. What change there has been since, either in their behaviour or in the state of our affairs, that should make your lordships change your opinions, I have not yet heard; and therefore, if I can make it appear, (as I presume I shall), that by law the parliament is dissolved, I presume your lordships ought not to be offended at me for it.

I have often wondered how it should come to pass, that this house of commons, in which there are so many honest and so many worthy gentlemen, should yet be less respectful to your lordships, as certainly they have been, than any house of commons that were ever chosen in England: and yet, if the matter be a little enquired into, the reason of it will plainly appear: for, my lords, the very nature of the house of commons is changed; they do not think now that they are an assembly that are to return to their own homes, and become private men again, (as by the laws of the land, and the ancient constitution of parliaments, they ought to be,) but they look upon themselves as a standing senate, and as a number of men picked out to be legislators for the rest of their lives: and if that be the case, my lords, they have reason to believe themselves our equals: but, my lords, it is a dangerous thing to try new experiments in a government. Men do not foresee the ill consequences that must happen, when they go about to alter those essential parts of it upon which the whole frame depends, as now, in our case, the customs and constitutions of parliament; for all governments are artificial things, and every part of them has a dependance one upon another, and with them, as with clocks and watches, if you should put great wheels in the place of little ones, and little ones in the place of great ones, all the movements would stand still; so that we cannot alter any one part of a government, without prejudicing the motions of the whole.

If this, my lords, were well considered, people would be more cautious how they went out of the old honest English way and method of proceeding. But it is not in business to find fault; and therefore, if your lordships will give me leave, I shall go on to shew you why, in my opinion, we are at this time no parliament. The ground of this opinion of mine, is taken from the ancient and unquestionable statutes of this realm; and give me leave to tell your lordships, by the way, that statutes are not like women, for they are not one jot the worse for being old. The first statute that I shall take notice of is that in the 4th year of Edward III. chap. 14, thus set down in the printed book: *Item.* It is accorded, that a parliament shall be holden every year once; and more often if it need be. Now, though these words are as plain as a pike-staff, and no man living that is not a scholar, could possibly mistake the meaning of them, yet the grammarians of those days did make a shift to explain, that the words "if need be," did relate as well to the words every year once, as to the words more often; and so by this grammatical whimsey of theirs, have made this statute to signify just nothing at all. For this reason, my lords, in the 36th year of the same king's reign, a new act of parliament was made, in which those unfortunate words "if need be," are left out; and that act of parliament relating to *magna charta*, and other statutes made for the public good. *Item*, For maintenance of these articles and statutes, and the redress of divers mischiefs and grievances which daily happen, a parliament shall be holden every year, as at other times was ordained by another statute. Here now, my lords, there is not left the least colour or shadow for mistake; for it is plainly declared, that the kings of England must call a parliament once within a year; and the reasons why they are bound to do so, are as plainly set down; namely, for the maintenance of *magna charta*, and other statutes of the same importance; and for preventing the mischiefs and grievances which daily happen.

The question then remains, whether these statutes have been since repealed by any other statutes or no? The only statutes I ever heard mentioned for that, are the two triennial bills; the one made in the last king's, and the other in this king's reign. The triennial bill in the last king's reign, was made for the confirmation of the two above mentioned statutes of Edward III. for parliaments having been omitted to be called every year, according to those statutes, a statute was made in the last king's reign to this purpose, that if the king should fail of calling a parliament, according to the statutes of Edward III. then the third year the people should meet of themselves, without any writs at all, and choose their parliament men. This way of the people's choosing their parliament of themselves being thought disrespectful to the king, a statute was made in this last parliament, which repealed the triennial bill, and after the repealing clause, (which took notice only of the triennial bill, made in the last king's reign,) there was in this statute a paragraph to this purpose: that because by the ancient statutes of the realm, made in the reign of Edward III. parliaments are to be held very often, it should be enacted, that within three years after the determination of that present parliament, parliaments should not be discontinued above three years at most; and to be holden oftener if need required. There have been several half kind of arguments drawn out of these triennial bills, against the statutes of Edward III. which I confess I could never remember; nor indeed those that urged them to me ever durst own, for they always laid their faults upon somebody else; like ugly foolish children, whom, because of their deformity and want of wit the parents are ashamed of, and so turn them out on the parish.

But, my lords, let the arguments be what they will, I have this short answer to all that can be wrested out of these triennial bills; that the first triennial bill was repealed before the matter now disputed of was in question; and the last triennial bill will not be in force till the

question be decided; that is, till the parliament is dissolved. The whole matter, my lords, is reduced to this short dilemma: either the kings of England are bound by the acts above mentioned, or Edward III. or else the whole government of England, by parliaments, and by the laws above, is absolutely at an end. For if the kings of England have power, by an order of theirs, to invalidate an act made for the maintenance of *magna charta*, they have also power, by an order of theirs, to invalidate *magna charta* itself; and if they have power by an order of theirs to invalidate the statute itself, *de tallagion non concedendo*; then they may not only without the help of a parliament raise money when they please, but also take away any man's estate when they please, and deprive every one of his liberty, or life, as they please.

This, my lords, I think is a power, that no judge or lawyer will pretend the kings of England to have; and yet this power must be allowed them, or else we that are met here this day cannot act as a parliament; for we are now met by virtue of the last prorogation; and that prorogation is an order of the king's point blank contrary to the two acts of Edward III. for the acts say, that a parliament shall be holden once within a year; and the prorogation saith, a parliament shall not be held within a year, but some months after; and this (I conceive) is a plain contradiction, and consequently, that the prorogation is void. Now, if we cannot act as a parliament by virtue of the last prorogation, I beseech your lordships, by virtue of what else can we act? Shall we act by virtue of the king's proclamation? Pray, my lords, how so? Is a proclamation of more force than a prorogation? or if a thing that hath been ordered the first time be not valid, doth the ordering it the second time make it good in law? I have heard, indeed, that two negatives make an affirmative; but I never heard before, that two nothings ever made any thing.

Well, but how then are we met? Is it by our own ad

journment? I suppose nobody has the confidence to say that—which way then is it? Do we meet by accident? That, I think, may be granted; but an accidental meeting can no more make a parliament, than accidental clapping a crown upon a man's head, can make a king. There is a great deal of ceremony required to give a matter of that moment a legal sanction. The law reposed so great a trust and so great a power in the hands of a parliament, that every circumstance relating to the manner of their electing, meeting, and proceeding, is looked after with the nicest circumspection imaginable. For this reason, the king's writs about the summons of parliament are to be issued out *verbatim*, according to the form prescribed by the law; or else that parliament is void and null. For the same reason, if a parliament summoned by the king's writ, do not meet the very same day that it is summoned to meet upon, that parliament is void and null. And, by the same reason, if parliaments be not legally adjourned, *de die in diem*, those parliaments must be also void and null.

Oh! but some say, There is nothing in the two acts of Edward III. to take away the king's power of prorogation, and therefore prorogation is good. My lords, under favour, this is a very gross mistake; for, pray examine the words of the act. The act says, A parliament shall be holden once a year. Now to whom can these words be directed, but to them who are to call a parliament? And who are they, but the kings of England? It is very true, this does not take away the king's power of proroguing parliaments, but it most certainly limits it to be within a year. Well then, but it is said again, if that prorogation be null and void, then things are just as they were before; and therefore the parliament is still in being. My lords, I confess there would be some weight in this, but for one thing, which is, that not one word of it is true. For if, when the king had prorogued us, we had taken no notice of the prorogation, there is an impossibility of our meeting and acting any other

way: one may as properly say, that a man that is killed by assault is still alive, because he was killed unlawfully, that the parliament is still alive, because the prorogation was unlawful. The next argument that those are to be answered to, who would maintain this to be yet a parliament is, that the parliament is prorogued, *sine die*; and, therefore, the king may call them again by proclamation. As to the first part of this proposition, I shall not only agree with them, but also do them the favour to prove, that it is so in the eye of the law; which I never heard they have yet done: for the statutes say, That a parliament shall be holden once in a year, and the prorogation having put them off till a day without the year, and consequently excepted against by the law, that day, in the eye of the law, is no day at all; that is, *sine die*; and the prorogation might as well have put them off till so many months after dooms day; and then, I think, no body would have doubted but that had been a very sufficient dissolution.

Besides, my lords, I shall desire your lordships to take notice, that, in former times, the usual way of dissolving parliaments was, to dismiss them, *sine die*; for the king when he dissolved them, used to say no more, but that he desired them to go home, till he sent for them again; which is a dismission, *sine die*. Now, if there were forty ways of dissolving parliaments, if I can prove this parliament has been dissolved by any one of them, I suppose there is no great need of the other thirty-nine. Another thing which they much insist upon is, that they have found out a precedent in queen Elizabeth's time; when a parliament was once prorogued three days beyond a year; in which I cannot choose but observe, that it is a very great confirmation of the value and esteem all people ever had of the forementioned acts of Edward III. since, from that time to this, there can but one precedent be found for the proroguing of parliament above a year; and that was but for three days neither. Besides, my lords, this pre-

cedent is of a very odd kind of nature, for it was in time of a very great plague, when every body of a sudden was forced to run away one from another; and so being in haste, had not leisure to calculate well the time of the propogation, though the appointing it to be within three days of the year is no argument to me that their design was to keep within the bounds of the acts of parliament. And if the mistake had been taken notice of in queen Elizabeth's time, I make no question but she would have given a lawful remedy.

Now I beseech your lordships what more can be drawn from the shewing this precedent, but only that because once upon a time a thing was done illegally, therefore your lordships should do so again now. Though my lords, under favour, ours is a very different case from theirs, for this precedent they mention was never taken notice of; and all lawyers will tell you that a precedent that passes *sub silentio* is of no validity at all, and will never be admitted in any judicial court where it is pleaded; nay, judge Vaughan says in his reports, that in cases which depend upon fundamental principles, for which demonstrations may be drawn, millions of precedents are to no purpose. Oh! but say they, you must think prudentially of the inconveniences which will follow upon it; for if this be allowed, all those acts which were made in that session of parliament will be then void. Whether that be so or not, I shall not now examine; but this I will pretend to say, that no man ought to pass for a prudential person, who only takes notice of the inconveniences of one side. It is the part of a wise man to examine the inconvenience of both sides, to weigh which are the greatest, and to be sure to avoid them; and my lords, to that kind of examination I willingly submit this case, for I presume it will be easy for your lordships to judge which of these two will be of the most dangerous consequence to the nation; either to allow that the statutes made in that particular session in queen Elizabeth's time are void, (which may

easily be confirmed by a lawful parliament,) or to lay it down for a maxim, that the kings of England, by a particular order of theirs, have power to break all the laws of England when they please.

And my lords, with all the duty we owe to his majesty, it is no disrespect to him to say, that his majesty is bound up by the laws of England: for the great king of heaven and earth, God Almighty himself, is bound to his own decrees; and what is an act of parliament but a decree of the king, made in the most solemn manner it is possible for him to make it; that is, with the consent of the lords and commons. It is plain then in my opinion, that we are no more a parliament; and I humbly conceive your lordships ought to give God thanks for it, since it has thus pleased him by his providence to take you out of a condition wherein you must have been entirely useless to his majesty, to yourselves, and the whole nation. But I do beseech your lordships, if nothing of this I have urged were true, what honourable excuse could be had for our acting again with the house of commons, except we could pretend such an exquisite art of forgetfulness as to avoid calling to mind all that passed between us the last session; and unless we could have also a faculty of teaching the same art to the whole nation. What opinion could they have of us, if it should happen that the very same men, who were so earnest the last session for having the house of commons dissolved when there was no question of their lawful sitting, should be now willing to join with them again, when without question they are dissolved.

Nothing can be more dangerous to a king or a people, than that the laws should be made by an assembly, of which there can be a doubt whether they have a power to make laws or no; and it would be in us inexcusable if we should overlook this danger, since there is for it so easy a remedy which the law requires, and which all the nation longs for.

The calling a new parliament it is, that only can put his majesty into a possibility of receiving supplies, that can secure your lordships the honour of sitting in this house like peers, and your being serviceable to your king and country; and that can restore to all the people of England their undoubted rights of choosing men frequently to represent their grievances in parliament; without this, all we can do would be in vain; the nation may languish a while, but must perish at last; we should become a burthen to ourselves and a prey to our neighbours. My motion therefore to your lordships shall be, that we humbly address ourselves to his majesty, and beg of him for his own sake, as well as for the people's sake, to give us speedily a new parliament, that so we may unanimously, before it is too late, use our utmost endeavours for his majesty's service, and for the safety, the welfare, and the glory of the English nation.

COLONEL BIRCH.

His Speech on the Bill to exclude the Duke of York, afterwards James II. from the Succession to the Crown.

Mr. Speaker,

Sir, I admire to hear an honourable member make a doubt as to the legality of this bill. Certainly, sir, our legislative power is unbounded, and we may offer to the lords, and so to his majesty, what bills we think good. And it can as little be doubted, that the legislative power of the nation, king, lords, and commons, should want a law to make laws, or that any laws should be against what laws they make, otherways they cannot be legally opposed. And as I think it cannot be against law, so

neither against conscience, unless it can be made out that we ought in conscience to bring in popery. I should be very glad to hear any arguments to make good what hath been offered about expedients, but I am afraid when they come to be examined to the bottom, they will be found very insufficient, and that we may as well think of catching a lion with a mouse-trap, as to secure ourselves against popery by any laws, without the exclusion bill. Have we not to do with a sort of people that cannot be bound by any law or contract whatsoever? Much less can their words or promises be depended on. Are they not under all the obligations that can be offered from the temptations of this life, as of that to come, not to keep faith with heretics, but to break it when it may tend to the promoting of the catholic cause? And if laws cannot bind other persons, much less will it princes that are of the catholic religion! Did they ever keep any league or contract that was made with protestants longer than was necessary in order to cut their throats? What use did the papists make in Ireland of the favours granted them by king Charles I? Did they not make use of it to the destruction of the protestants by rising up in rebellion, and massacreing 100,000? Sir, I see things go hard against popery; I know not what to say to it, but I am afraid that if we should be so infatuated as to let it creep on more and more upon us, and at last let it ascend the throne again, that we shall soon have the same miserable fortune our fore-fathers had in queen Mary's days, and be burnt in Smithfield for our indiscretion.

Sir, we are upon a business of as great importance as ever was debated within these walls: for we must either suppress popery, or be suppressed by it. For although that interest do not look so big as that of the protestants, yet I plainly see that it hath wrought like a mole under ground for a long time, and that it hath eaten into our bowels, and will soon come to the vital parts of the protestant religion, and destroy it too, if great care be not

taken, and that speedily. I hear some say that our cares are needless at this time, because the king may outlive the duke; which is as much as to say, there is no need of laws against popery until we see whether we shall have occasion to make use of them or no. But they do not tell us how we should be sure then to obtain them. I must confess, such arguments are so far from weighing with me, as that they increase my fears, because it discovers a strange, easy, careless, indifferent humour among us protestants. Must our lives, liberties, and religion depend upon may-be's? I hope it is not come to that yet. I am sure it will not consist with the prudence of this assembly to leave it so, but rather to endeavour to settle this matter upon such a foundation as may (with as much probability as human things are capable of) secure us. I am of an opinion that such an engine may be contrived as should give such a whirl to the popish interest, as that it should never rise up against us again. I know of no difficulty but the same which happened to Archimedes—where to fix it. And I am not altogether at a loss for that neither; for so long as we have a good king, I will not despair. And, sir, I cannot fear any of those things that are objected against this bill, that it is against law, and therefore will occasion a civil war. For my part I never will fear a civil war in favour of idolatry, especially when we have gotten a law on our side to defend our religion. Therefore I move you that the bill may be brought in.

MR. BOSCAWEN.

Mr. Boscawen's Speech on the same Question.

Mr. Speaker,

HAVE not the papists always proceeded against the protestants with a barbarity surmounting the worst of heathens? and must we be so mighty careful how we proceed to hinder them from ruling over us, as that we must stumble at every straw, and be afraid of every bush? a man that is in an house that is on fire, will leap out of a window, rather than be burnt. I do admire how any person that doth know with what treachery and inhumanity the papists behaved themselves in the massacres of Piedmont, Paris, and Ireland; their cruelties in queen Mary's days, lately on sir Edmundbury Godfrey, and what they had designed against the king, and all of us, can offer any thing to delay, much more to hinder, what is so precisely necessary for the good of the king and kingdom; especially, seeing in this we shall do nothing but what may be justified by many laws and precedents; and if there were none, of which I know there are a great many that are liable to no objection; yet I take it, that the law of nature and self preservation would afford us sufficient arguments. I think the sun is not more visible at noon-day, than that the papists have a design to extirpate our religion, and that they have done great things in order thereto, even now while we live under the government of a protestant king, by some invisible power that hath strangely acted its part in favour of that interest, in all our councils and resolutions in affairs of greatest importance; and it is as plain that this is so, because there is a popish successor, and that their interest will never decline as

long as there is such a successor, and the hope of a popish king. And now, that by the watchful providence of God, these things have been made so plain to us, is it not strange, that any man should go about to persuade us to be so neglectful and inconsiderate, as to sit still and look on, while the papists are putting their chains about our arms, and ropes about our necks? which must be the consequence of permitting a popish king to ascend the throne, against which there can be no law to secure us but this. In Edward the Sixth's, and queen Mary's and queen Elizabeth's days, was not the religion of the prince, the religion of the nation? Did not most of the privy counsellors, and great ministers of state, and some bishops too, change with the times? Is it not customary for great men to insinuate and flatter their princes, by being of their religion? On what must we ground our hopes of security in such a case? on nothing, sir, but on a civil war; which such a prince must certainly occasion: but I do not fear it from this bill, but rather think it the only way to prevent it; not doubting but that there will be people enough that will give obedience to it, sufficient to execute the law on such as may be refractory, if any, which can only be papists, and such as may be popishly affected. The objection as to a civil war, and disobedience to this law, may as well be made against any other severe law that we may attempt to make against papists; and must we, therefore, let them all alone? I hope we shall not be so inconsiderate; but as we have discovered that their weapons are near our throats, so we shall not acquiesce in any thing less than what may secure us; that so, if possible we may not fall into the hands of such a bloody, merciless people, which must infallibly be the consequence of having a popish king.

And, sir, as we have much to say for the having of this bill, so we have as much, for not having our time lost by going to a committee at this time about it. When the bill is brought in, there will be time enough to hear

of other expedients, if any member will then offer any, of which they will now have time to consider; that so they may be offered particularly, and not only in general: for it doth not consist with the gravity of the house, that they should be put out of the method they are most inclined to, without good cause. I am afraid there can be no expedient offered in this case, that can be sufficient, unless such as may shake the throne as to all future kings: and I hope we shall be cautious how we enter into any such debate: for if you should, you may be sure your enemies will take advantage thereof, and therefore I am rather for the bill.

SIR LEOLINE JENKINS,

(An eminent Civilian and Statesman,)

Was born in Glamorganshire, in 1623, and died 1685. He was one of the representatives of the University of Oxford, and principal of Jesus College.

Sir Leoline Jenkins's Speech, on the same.

Mr. Speaker,

I HAVE spent much of my time in studying the laws of this land; and I pretend to know something of the laws of foreign countries, as well as of our own: and I have, upon this occasion, well considered of them, but cannot find how we can justify the passing of this bill, though much against it.

First, I think it is contrary to natural justice, that we should proceed to condemnation, not only before conviction, but before we have heard the party, or examined any witnesses about him; I am sure, none in his defence; and to do this, by making a new law on pur-

pose when you have old laws in being, that have appointed a punishment to his crime, I humbly conceive is very severe, and contrary to the usual proceedings of this house, and the birth-right of every Englishman.

Secondly, I think it is contrary to the principles of our religion, that we should dispossess a man of his right, because he differs in point of faith; for it is not agreed by all, that dominion is founded in grace. For my part, I think there is more of popery in this bill than there can possibly be in the nation without it; for none but papists and fifth monarchy men, did ever go about to disinherit men for their religion.

Thirdly, I am of opinion, that the kings of England have their right from God alone, and that no power on earth can deprive them of it; and I hope this house will not attempt to do any thing which is so precisely contrary, not only to the law of God, but the law of the land too. For if this bill should pass, it would change the essence of the monarchy, and make the crown elective: for by the same reason that this parliament may disinherit this prince for his religion, other parliaments may disinherit another, upon some other pretence which they may suggest; and so consequently, by such exclusions, elect whom they please.

Fourthly, it is against the oath of allegiance, taken in its own sense, without jesuitical evasions: for by binding all persons to the king, his heirs and successors, the duke, as presumptive heir, must be understood; and I am of opinion it cannot be dispensed withal. Lastly, I will be very cautious how I dispute the power of parliaments. I know the legislative power is very great, and it ought to be so: but yet I am of opinion that parliaments cannot disinherit the heir of the crown, and that if such an act should pass, it would be invalid in itself; and therefore I hope it will not seem strange, that I should offer my judgment against this bill, while it is in debate, in which I think I do that which is my duty, as a member of this house.

Henry IV. of France, was a protestant; his people most papists, who used some endeavours to prevent his coming to the crown; but when they found they were not like to perfect their design, without occasioning a civil war, they desisted, concluding that a civil war would probably bring on them more misery than a king of a different religion; and therefore submitted. Sir, I hope we shall not permit our passion to guide us instead of reason, and therefore I humbly move you to throw out the bill.

MR. HAMPDEN.

The author of the following speech was, I believe, the son of the famous Hampden.

Mr. Hampden's Speech in Reply.

Mr. Speaker,

Sir, I do not understand how it can be construed, because we go about to disinherit the duke, that therefore it must be for his religion. For my part, I do approve of the bill; but it is because the opinions and principles of the papists tend to the alteration of the government and religion of this nation; and the introducing instead thereof, superstition and idolatry, and a foreign arbitrary power. If it were not for that, I am apt to think, the duke's being a papist would not be thought a sufficient cause for this house to spend time about this bill. And I cannot see the danger of reducing the government to be elective by it; for why should we presume that any thing but the like cause should have the like effect? Though the succession of the crown hath been formerly often changed by acts of parliament; yet

hitherto it hath not made the crown elective. And why must we fear it now? Neither do I apprehend that the passing of this bill is contrary to natural justice, because we have not heard what the duke hath to say for himself. The precedents that might be offered to make out, that the parliaments have, when they thought good, condemned persons by bill, are numerous, and without any hearing too. But if there were none, to doubt the power of the legislative authority of the nation in that or any other case, is to suppose such a weakness in our government, so inconsistent with the prudence of our ancestors, and common reason, as cannot well be imagined. And I do not think we are going to do any such strange thing neither, but what would be done in other countries upon the like occasion; but do believe, that if the dauphin of France, or the infant of Spain were protestants, and had, for near twenty years together, endeavoured the setting up of another interest and religion, contrary to the interest of those kings and the catholic religion; especially if such endeavours had been accompanied with such success as here, and those nations had been so often by such means reduced so near to ruin as we have been by divisions, tolerations, burnings, plots, and sham-plots at home, and by wars and foreign alliances, over-ruled in their favour, abroad; but that they would have been more impatient than we have been for this remedy. And, for my own part, I cannot but admire more at the long delay there hath been, in seeking out a remedy against this great evil, than at our offering at this bill. For, notwithstanding what hath been said, I cannot think our danger so remote or uncertain as some would suppose it. Can the king be safe, so long as the papists know that there is nothing but his life stands in their way, of having a king to their mind? which is the only thing they want, to go on with their designs, and to accomplish their expectations. Will it then be an easy thing to withstand such an enraged, barbarous people? The more false and un-

reasonable their religion is, the more cruelty will be necessary to establish it. Can it be imagined we shall not pay severely for having shed so much blood of their martyrs, as they call them, and for having enjoyed their holy church land so long? Or that they will not do all that they shall think necessary to secure an entire and quiet possession to themselves? For my own part, I cannot imagine that the pride of those churchmen will be satisfied with any thing less than an utter ruin and extirpation of us and our posterities. And I think that nothing can save us but this exclusion bill; and therefore I humbly move you to appoint a speedy day for a second reading.

LORD WILLIAM RUSSELL,

(Who is generally looked upon as one of the great martyrs of English liberty.)

Was born 1641, and beheaded 1683, on the same charge of treason on which Algernon Sidney was also condemned to suffer death.

Lord William Russell's Speech against a Popish Successor.

Mr. Speaker,

If ever there should happen in this nation any such change, as that I should not have liberty to live a protestant, I am resolved to die one; and therefore would not willingly have the hands of our enemies strengthened, as I suppose they would be, if we should give money while we are sure it must go to the hands of the duke's creatures. Doth not the duke's interest endanger the king's life? And are not our lives and fortunes in danger

to be swallowed up by his power? And shall we yet make them stronger by putting money into their hands? No, sir! they are too strong already; but whenever his majesty shall be pleased to free us of the danger of a popish successor, and remove from his council and places of trust, all those that are for his interest; (because there can be no distinction made between the duke's interest and popish) then, sir, I will conclude, that what money we shall give, will be disposed of according to his majesty's own royal pleasure, and for the true protestant interest. And I shall be ready to give all I have in the world, if his majesty should have occasion for it; but in the mean time, I pray, sir, let us not endeavour to destroy ourselves, by our own hands. If we may not be so happy as to better the condition of the nation, I pray, sir, let us not make it worse. And, until the king shall be pleased to give us encouragement to express our duty and loyalty to him, by giving him money, let us do it by making an address.

EARL OF CAERNARVON.

The account of this speech is singular enough. "Among the speakers on this occasion was the earl of Caernarvon, who is said never to have spoken before; but having been heated with wine, and rallied by the duke of Buckingham on his never speaking, he said he would speak that very afternoon; and this having produced some wager between them, he went into the house with a resolution to speak on any subject that should offer itself. He accordingly stood up, and delivered himself to the following effect."

The Earl of Caernarvon's Speech on the Impeachment of Lord Danby.

My Lords,

I UNDERSTAND but little of Latin, but a good deal of English, and not a little of the English history; from

which I have learnt the mischiefs of such kind of prosecutions as these, and the ill fate of the prosecutors. I could bring many instances, and those very ancient, but, my lords, I shall go no farther back than the latter end of queen Elizabeth's reign: at which time the earl of Essex was run down by sir Walter Rawleigh. My lord Bacon, he ran down sir Walter Rawleigh; and your lordships know what became of my lord Bacon. The duke of Buckingham, he ran down my lord Bacon; and your lordships know what happened to the duke of Buckingham. Sir Thomas Wentworth, afterwards earl of Strafford, ran down the duke of Buckingham; and you all know what became of him. Sir Henry Vane, he ran down the earl of Strafford; and your lordships know what became of sir Henry Vane. Chancellor Hyde, he ran down sir Henry Vane; and your lordships know what became of the chancellor. Sir Thomas Osborn, now earl of Danby, ran down chancellor Hyde; but what will become of the earl of Danby, your lordships best can tell. But let me see that man that dare run the earl of Danby down, and we shall soon see what will become of him.

[This being pronounced with a remarkable humour and tone, the duke of Buckingham, both surprised and disappointed, after his way, cried out, The man is inspired! and claret has done the business.]

ANTHONY ASHLEY COOPER.

Was born at Winborn, in Dorsetshire, in 1621, and died 1683. In 1640, he was chosen member for Tewksbury. In 1672, he was created earl of Shaftesbury, and appointed lord chancellor. This office he did not long retain, as he was a man of fiery passions, turbulent, violent, and self-willed; and was constantly opposing the schemes and measures of whatever party he was connected with. He is the person described by Dryden under the character of Achitophel. There is an instance recorded of his great sagacity, which carries the *prophetic spirit* of common sense as far as it can go. It is

said that he had been to dine with lady Clarendon and her daughter, who was at that time privately married to the duke of York; and as he returned home with another nobleman who had accompanied him, he suddenly turned to him, and said, "Depend upon it, the duke has married Hyde's daughter." His companion could not comprehend what he meant; but on explaining himself, he said, "Her mother behaved to her with an attention and a marked respect, that is impossible to account for in any other way; and I am sure of it." This shortly afterwards proved to be the case. The celebrated author of The Characteristics was his grandson.

Lord Shaftesbury's Speech on the State of the Nation.

My Lords,

In this great debate concerning the king's speech, the sad state and condition we are in, and the remedies thereof, I have offered you my opinion; and many lords have spoken admirably well to it, with great freedom and plainness, as the case requires. Give me leave to offer you some few words, in answer to two or three of my lords of the earl's bench, that have maintained the contrary opinion. My lord, near me, hath told your lordships, that the precedent of Henry IV. that I offered to you, (who was a wise and magnanimous prince, yet, upon the addresses of his parliament, put away great part of his family and council at one time,) is no proper instance; because he was an usurper, and had an ill title, and was bound to please the people My lords, I meddle not with his title; I am sure our king has a very undoubted one: but this, my lords, you must allow; that that wise prince, having need of the people, knew no better way to please them, and to create a good understanding between them and him, than to put away from court and council, those that were unacceptable to them. If our king hath the same necessity to please the people, (though not the want of a title,) yet the precedent holds good, That a wise prince, when he hath need of his people, will rather part with his family and

counsellors, than displease them. My lords, this noble lord, near me, hath found fault with that precedent, which he supposes I offered your lordships concerning the chargeable ladies at court; but I remember no such thing, I said. But if I must speak of them, I shall say as the prophet did to king Saul: What means the bleating of this kind of cattle? And I hope the king will make me the same answer: That he preserves them for sacrifice, and means to deliver them up to please his people. For there must be, in plain English, a change; we must neither have popish wife, nor popish favourite, nor popish mistress, nor popish counsellor at court, nor any new convert. What I spoke, was about another lady, that belongs not to the court; but, like Sempronia, in Catiline's conspiracy, does more mischief than Cethegus. In this time of distress, I could humbly advise our prince would take the same course that the duke of Savoy did, to suffer neither strangers nor ambassadors to stay above some few weeks in this country: for all the strangers and ambassadors here, have served the plot and design against us; I am sure they have no tie to be for us. But, my lords, what I rose to speak to was, more especially, to my lord of the earl's bench, that spoke last, and sits behind me; who, as he has the greatest influence in our present councils, so he hath let fall to you the very root of the matter, and the hinges upon which all turns. He tells you, that the house of commons have lately made offers to the king, and he wonders we do not accept the king's answer to them, before we enter into so hot and high debates. He tells you, if the king be assured of supplies, we cannot doubt of his compliance in this, and all we can ask. For otherwise the king should fall into that, which is the worst condition of a prince, to have his people have no confidence in him. My lords, this is that I know they would put the king upon; and this is that we must be ruined by, if we may not with freedom and plainness open our case. My lords, it is a very hard thing to say, that we cannot

trust the king, and that we have been deceived so often that we see plainly the apprehensions of discontent in the people, is no argument at court. And, though our prince be in himself an excellent person, that the people have the greatest inclination imaginable to love; yet we may say, he is such a one, as no story affords us a parallel of. How plain, and how many are the proofs of the designs to murder him! How little is he apprehensive of it! The transactions between him and his brother are admirable and incomprehensible. His brother's being early known to aim at the crown, before his majesty's restoration to this kingdom: this match with the Portugal lady, not like to have children, contrived by the duke's father-in-law; and no sooner effected, but the duke and his party made proclamations to the world, that we are like to have no children; but that he must be the certain heir. He takes his seat in parliament as prince of Wales, his guards about him; the prince's lodging at Whitehall, his guards upon the same floor, without any interposition between him and the king; so that the king was in his hands, and in his power every night: all offices and preferments being bestowed by him, not a bishop made without him. This prince changes his religion to make himself a party; and such a party, that his brother must be sure to die, and be made away, to make room for him. Nothing could preserve him, but that which I hope he will never do; give greater earnest to that wicked party than his brother could: and, after all, the plot breaks out plainly headed by the duke, his interest, and his design. How the king has behaved himself ever since the breaking out of it, the world knows; we have expected every hour, that the court should join with the duke against us: and it is evident, more has been done to make the plot a presbyterian plot, than to discover it. The prorogations, the dissolutions, the cutting short of parliaments, not suffering them to have time or opportunity to look into any thing; have shewed what reason we have to confide in

this court. We are now come to a parliament again; but by what fate or council, for my part, I cannot guess; neither do I understand the riddle of it. The duke is quitted and sent away; the house of commons have brought up a bill to disable him of the crown; and I think they are so far extremely in the right; but your lordships are wiser than I, and have rejected it; yet you have thought fit, and the king himself hath made the proposition, to make such expedients as shall render him but a nominal prince. In the mean while, where is this duke, that the king and both houses have declared unanimously thus dangerous? Why, he is in Scotland raising forces upon the *terra firma*, that can enter dry foot upon us, without hazard of wind or seas; the very place he should be in to raise a party to be ready, when from hence he shall have notice. So that this being the case, where is the trust? We all think the business is so ripe, that they have the garrisons, the arms, ammunition, the seas, and soldiery, all in their hands; they want but one good sum of money to set up and crown the work, and then they have no farther need of the people; and, I believe, whether they are pleased or no, will be no great trouble to them. My lords, I hear of a bargain in the house of commons, an address made; and must boldly say it, and plainly, that the nation is betrayed, if, upon any terms, we part with our money, till we are sure the king is ours: have what laws you will, and what conditions you will, they will be of no use but waste paper, before Easter, if the court has money to set up for popery and arbitrary designs in the mean time. On the other hand, give me leave to tell your lordships, the king has no reason to distrust his people; no man can go home and say, that if the king complies with his people, they will do nothing for him, but tear all up from him. We want a government, and we want a prince that we may trust, even with the spending half our annual revenues for some time, for the preservation of these nations. The growing great-

ness of the French cannot be stopped with a little expence, nor without a real and hearty union of the king and his people.

It was never known in England, that our princes wanted supplies, either for their foreign designs or their pleasures; nothing ever shut our English purses, but the fears of having our money used against us. The hour that the king shall satisfy the people, that what we give is not to make us slaves and papists, he may have whatever he will; and this your lordships know, and all mankind that know us; therefore, let me plainly tell your lordships, the arguments the present ministers use are to destroy the king, not to preserve him: for, if the king will first see what we will do for him, it is impossible, if we are in our senses, we should do any thing. But, if he will first shew that he is entirely ours, that he weds the interest and religion of the nation, it is absolutely impossible he should want any thing he can ask, or we can give. But I plainly see how the argument will be used: Sir, they will do nothing for you; what should you do with these men? But, on the other hand, I am bold to say, Sir, you may have any thing of this parliament; put away these men, change your principles, change your court, and be yourself again; for the king himself may have any thing of us. My lords, if I have been too plain, I beg your pardons; I thought it the duty of a true-born Englishman, at this time, to speak plainly or never. I am sure I mean well; and if any man can answer and oppose reason to what I alledge, I beg that he would do it; for I do not desire or propose any question merely for talking sake. I beg this debate may last some days, and that we may go to the very bottom of the matter, and see whether these things are so or no, and what cure there is for the evil that we are in; and then the result of our debates may produce some proper question. However, we know who hears; and I am glad of this, that your lordships have dealt so honourably and so clearly in the king's presence and hearing,

that he cannot say he wants a right state of things: he hath it before him, and may take council as he thinks fit.

SIR FRANCIS WINNINGTON.

His Speech on the Pension Bill.

Mr. Speaker,

Sir, the last house of commons being sensible how narrowly this nation escaped being ruined by a sort of monsters, called pensioners, which sate in the late long parliament, had entered into a consideration how to prevent the like from coming into future parliaments; and in order thereto, resolved, that they would severely chastise some of those that had been guilty, and make the best laws they could to prevent the like for the future; and for that purpose a committee was appointed, of which Mr. Serjeant Gregory, now judge Gregory, was chairman, by which many papers relating to that affair came to his hands. Sir, I think it a business of so great importance, that it never ought to be forgotten, nor the prosecution of it deferred. I have often heard that England can never be destroyed but by itself: to have such parliaments was the most likely way that ever yet was invented. I remember a great lawyer said in this house, when it was debated in the last parliament, that it was treason; and he gave many learned arguments to make it out. Whether it be so or no, I will not now offer to debate; but I think, that for those that are the legislators of the nation to take bribes, to undermine the laws and government of this nation, that they ought to be chastised as traitors. It was my fortune to sit here a little while in the long parliament

I did observe that all those that had pensions, and most of those that had offices, voted all of a side, as they were directed by some great officer, as exactly as if their business in this house had been to preserve their pensions and offices, and not to make laws for the good of them that sent them here. How such persons could any way be useful for the support of the government, by preserving a fair understanding between the king and his people; but on the contrary, how dangerous to bring in arbitrary power and popery, I leave to every man's judgment; they were so far from being the true representatives of the people, that they were a distinct middle interest between the king and the people, and their chief business was to serve the end of some great minister of state, though never so opposite to the true interest of the nation. Now this business ought never to fall, though there should be never so many prorogations and dissolutions of parliaments, before any thing be done in it. I think it is the interest of the nation, that it should be prosecuted from parliament to parliament, as if there were an impeachment against them; and therefore, sir, I would humbly move you to send some members of this house to judge Gregory, for the papers he hath taken in his custody relating to this affair, that so you may, in convenient time, proceed farther herein, as you shall think good: and, sir, hearing there is a report that some of this house have now made a bargain at court for great offices, in order to vitiate and corrupt their votes in this house; which, though but a project to cast a reflection on such members; however, to satisfy the world, I pray, sir, let there be a vote past, that no member of this house shall accept of any office under the crown, during such time as he continues a member of this house.

HENRY BOOTH,

(Lord Delamere, and afterwards created Earl of Warrington,)

Was member for Cheshire in the time of Charles II. and a great opposer of the court, and popery. He was committed to the Tower for high-treason, by James II. but was acquitted. He died 1694. There is a collection of his speeches in one volume octavo. That which I have given is not, perhaps, the best; but there is an air of homely interest in it, a mixture of local and personal feeling, which makes it the most amusing. The independent country gentleman, the justice of the peace, the *custos rotul rum* (to which latter office he appears to have been as much attached as justice Shallow himself could be,) his own personal disinterestedness, his political zeal, and his great friendship for sir Thomas Manwaring, who seems to have been a man of much importance in his time, though now totally forgotten, are all brought together in a way that I like exceedingly; and I can assure the reader, that if I do not present him with a good collection, by following my own inclination in taking those speeches which I like myself, and merely because I like them, I should, however, make a much worse in any other way.

His Speech on putting certain Justices out of Commission.

I WAS in hopes that some gentlemen would have prevented me in what I have to say; for I fear the house is under a great mistake, as to those gentlemen of the house who are put out of the commission of the peace; for it is to speak to that I chiefly stand up. I acknowledge that it is an unanswerable thing, that other gentlemen were put out; but no doubt it was upon very weighty and warrantable grounds, that the gentlemen of the house were put out.

For without doubt his majesty, or whoever he be that advised him to it, did think it reasonable, and was sensible, that we who attend the service of our country in this place, do spend our time and money, and neglect

our own affairs; and therefore, when we come home it's fit that we have a time of rest, and that we be eased both in our bodies and purses, and be at leisure to settle our own concerns; and not that we should be tossed from one chargeable and troublesome employment to another; so that we have great cause to be thankful for the care that is taken of us.

Besides there is a further regard had to us: for this is a dangerous time to put the laws in execution against the papists, because there are examples where magistrates (some) have been murthered, others attempted to be assassinated, for putting the laws in execution against the papists; and because we appeared to be zealous in it, therefore this care is taken of us. I suppose that might be the chief reason why I was put out, because I have helped to convict about five thousand papists in Lancashire.

And furthermore, it was necessary to know how we stand in the thoughts of our countrymen; whether they have a good opinion of us now we are turned out of office, because it looked like a designed disgrace; for my part it has gained me ground; and I believe every gentleman else finds his countrymen not to esteem the worse of him: I rather think better. Therefore, seeing our counties believe us to be honest men, there's no great question but we shall be in great esteem at Whitehall, now they have had this trial of us; for Whitehall is very apt to incline to the opinion of the country; and that cart is not well upon the wheels, when it is otherwise.

Therefore, for my part, I am very thankful that I am put out. I will assure you I find my purse the fuller for it, and I find my country to pay me altogether as much respect, if not more, than formerly. There is but one thing that I grudged to part with, and that was the office of *custos rotulorum*, which had been in my family for several generations; and for that I hoped a particular reason might have been assigned why they took it

from me: but from that day to this, I cannot learn what was the cause. It is gone, and farewell it; and that's all the loss I had, by being put out of the commission of the peace. I have done with ourselves; and now give me leave to speak a little concerning other gentlemen who are put out, and no reason given for it.

When any gentlemen is made a justice of peace, it is out of respect to him, and for the good of the country, because he is supposed to be honest and able; and, without dispute, no man ought to be put out, but either that he is unfaithful, unwilling to do his part, or else that he does not understand it; and it is a great injustice to any gentleman to put him out without hearing him: for to judge a man unheard, is not allowed by the law: and what is it, but to judge a man's reputation, a thing most dear to every honest man; for in any age but this, it would be a great reflection upon a gentleman to be turned out of the commission of the peace; but God be thanked, the nation sees very plainly, who and what sort of persons rule the roast. By all the enquiry I can make, I do not find that any man is put out, but such as were very active against the papists, such as are against arbitrary power, and such as approved of the bill against the duke. I wish they would give the reason why one gentlemen was put out in my county; for, besides myself, there are but two put out; the one was newly put in, and had not acted; the other is an ancient justice of peace, and a man that cannot be reprehended in relation to the discharge of his trust: without reflection or diminution to any man, I think he knows the work of a justice of peace as well as any man in England; I except no man; and for his integrity, he may set all men at defiance to accuse him of the least partiality in the discharge of his trust; and I do know that no man made it more his business than he did, that he might ease and serve the country: for as his ability was not inferior to that of any other man, so did he most duly put the laws in execution, especially those against the papists: and

therefore, sir, on the behalf of my country, I must complain and demand to know, the reason why he was put out. We are greatly hurt, we are deprived of a great assistance and relief, and we cannot be quiet till we are satisfied in that particular. And my lord chancellor or the privy council (whichsoever of them it is that put him out,) will they not tell us why? Are they ashamed to own the cause? What, will it not bear water? I hate this as I do arbitrary power and popery. Brave world! that we must be debared of the benefit of our laws: for if they are not executed they signify nothing. It is that which gives life to our laws, and they that do execute them are put out of office: this is a fair step to arbitrary power, to deprive us of the benefit of law. It is the same thing not to have laws, as to have laws and not executed. I say no more, least I may seem to speak in my own case; for I do not desire to have any thing done as to my own particular, but as to the gentleman whose character I have given you, and his name I will acquaint you with, it is sir Thomas Manwering, you must give me leave to be importunate, and press it again and again, that he may be again put into the commission of the peace.

JOHN, LORD SOMERS,

Was born 1652, and died 1710. He was member for Worcester in the convention parliament, where he was appointed to manage the conference with the lords, on the abdication of King James; and in 1697 was made lord chancellor. He was one of the principal persons employed in bringing about the revolution. From this and the following speeches two things appear to me tolerably clear, in opposition to the theories both of Mr. Burke and Dr. Price on the subject; that the great constitutional leaders who were concerned in producing this event, believed first, that the hereditary right to the crown was not absolute, but conditional; or that there was an original fundamental compact between the king and people, the terms of which the former was bound to fulfil to make good his title; secondly, that so long as these conditions were complied

with, the people were bound to maintain their allegiance to the lawful successor, and not left at liberty to choose whom they pleased, having no other law to govern them in their choice than their own will, or fancy, or sense of convenience. There was indeed an estate of inheritance, but then this was tied down and limited by certain conditions, which, if not adhered to the estate became lapsed and forfeited. There was no question as the case stood, either of sovereign absolute power, or of natural rights: the rights and duties of both parties were defined and circumscribed *by a constitution and order of things already established*, and which could not be infringed on either side with impunity; that is, they were exactly in the state of all contracting parties, neither of them independent, but each having a check or control over the other: the one had no right to enforce his claim if he did not perform what was *in the agreement*, and the other party, so long as this was done, could not be *off their bargain*. The king could not therefore be said to hold his crown "in contempt of the people," for both were equally responsible and bound to one another, and both stood equally in awe of one another, or of the *law*. But in case of any difference on this head, the right to decide must of course belong to those who had the power; for by the very nature of the thing there is nothing to restrain those who have power in their hands from exercising it, but the sense of right and wrong; and where they think they have a right to act, what is there to hinder them from acting in vindication of what they conceive to be their right? I am not here entering into the abstract question of government, nor do I pretend to say that this is the true law and constitution of England; I am only stating what was understood to be so by the prime movers and abettors of the revolution of 1688.

Lord Somers's Speech on the Abdication of King James.

My Lords,

WHAT is appointed me to speak to, is your lordships' first amendment, by which the word *abdicated* in the commons' vote is changed into the word *deserted*; and I am to acquaint your lordships what some of the grounds are that induced the commons to insist upon the word *abdicated*, and not to agree to your lordships' amendment.

1. The first reason your lordships are pleased to deliver, as for your changing the word is, that the word *abdicated* your lordships do not find is a word known to the common law of England, and therefore ought not to be used; and the next is, that the common application of the word amounts to a voluntary express act of renunciation, which (your lordships say) is not in this case, nor what will follow from the premises.

My lords, as to the first of these reasons, if it be an objection that the word *abdicated* hath not a known sense in the common law of England, there is the same objection against the word *deserted;* for there can be no authority or book of law produced wherein any determined sense is given to the word deserted; so that your lordships' first reason hath the same force against your own amendent as it hath against the term used by the commons.

The words are both Latin words, and used in the best authors, and both of a known signification; their meaning is very well understood, though it be true their meaning be not the same. The word *abdicate* doth naturally and properly signify entirely to renounce, throw off, disown, relinquish any thing or person, so as to have no farther to do with it; and that whether it be done by express words or in writing, (which is the sense your lordships put upon it, and which is properly called resignation or cession,) or by doing such acts as are inconsistent with the holding or retaining of the thing, which the commons take to be the present case, and therefore make choice of the word *abdicate,* as that which they thought did, above all others, most properly express that meaning. And in this latter sense it is taken by others; and that this is the true signification of the word I shall shew your lordships out of the best authors.

The first I shall mention is Grotius, *De Jure Belli et Pacis, l.* 2. *c.* 4. *l.* 4. *Venit enim hoc non ex jure civili, sed ex jure naturali quo quisque suum potest abdicare et ex naturali præsumptione qua voluisse qui creditur quod sufficienter significavit.* And then he

goes on. *Recusari hæreditas, non tantum verbis sed etiam repotest et quovis indicio voluntatis.*

Another instance which I shall mention to shew that for the abdicating a thing, it is sufficient to do an act which is inconsistent with the retaining it, though there be nothing of an express renunciation, is out of Calvin's *Lexicon Juridicum*, where he says, *Generum abdicat qui sponsam repudiat.* He that divorceth his wife abdicates his son in-law. Here is an abdication without express words, but is by doing such an act as doth sufficiently signify his purpose.

The next author that I shall quote is *Brissonius de Verborum Significatione*, who hath this passage: *Homo liber qui seipsum vendit, abdicat se statu suo:* that is, He who sells himself hath thereby done such an act as cannot consist with his former estate of freedom, and is therefore properly said, *se abdicasse statu suo.*

Budæus, in his Commentaries, *Ad Legem secundam de Origine Juris*, expounds the words in the same sense. *Abdicare se magistratu est idem quod abire penitus magistratu.* He that goes out of his office of magistracy, let it be in what manner he will, has abdicated the magistracy.

And Grotius, in his book *De Jure Belli et Pacis, l.* 1. *c.* 4. *s.* 9. seems to expound the word *abdicare* by *manifeste habere pro derelicto:* that is, that he who hath abdicated any thing, hath so far relinquished it, that he hath no right of return to it; and that is the sense the commons put upon the word. It is an entire alienation of the thing, and so stands in opposition to *dicare. Dicat qui proprium aliquod facit, abdicat qui alienat.* So says Pralejus in his *Lexicon Juris.* It is therefore insisted upon as the proper word by the commons.

But the word *deserted*, (which is the word used in the amendment made by your lordships,) hath not only a very doubtful signification, but in the common acceptance both of the civil and canon law, doth signify only a bare withdrawing, a temporary quitting of a thing, and neglect

only; which leaveth the party at liberty of returning to it again. *Desertum pro neglecto*, says Spigelius in his Lexicon. But the difference between *deserere* and *derelinquere*, is expressly laid down by Bartolus upon the 8th law of the 58th title of the 11th book of the Code; and his words are these; *Nota diligenter ex hac lege, quod aliud est agrum deserere, aliud derelinquere, qui enim derelinquit, ipsum ex penitentia non revocat, sed qui deserit, intra biennium potest.*

Whereby it appears, my lords, that that is called *desertion* which is temporary and relievable; that is called *dereliction* where there is no power or right to return.

So in the best Latin authors, and in the civil law, *deserere excercitum* is used to signify soldiers leaving their colours, *Cod. lib.* 12. *s.* 1.

And in the canon law to desert a benefice, signifies no more than to be non-resident; so in Calvin's *Lexicon Verb. Desert. secund. Canones.*

In both cases, the party hath not only a right of returning, but is bound to return again; which, my lords, as the commons do not take to be the present case, so they cannot think that your lordships do, because it is expressly said, in one of your reasons given in defence of the last amendment, that your lordships have been, and are willing to secure the nation against the return of king James; which your lordships would not in justice do, if you did look upon it to be no more than a negligent withdrawing, which leaveth a liberty to the party to return.

For which reasons, my lords, the commons cannot agree to the first amendment, to insert the word *deserted*, instead of *abdicated*, because it doth not in any sort come up to their sense of the thing. So they do apprehend it doth not reach your lordships' meaning as it is expressed in your reasons; whereas they look upon the word *abdicated* to express properly what is to be inferred from that part of the vote to which your lordships have agreed:—That king James II. by going about to subvert

the constitution, and by breaking the original contract between king and people, and by violating the fundamental laws, and withdrawing himself out of the kingdom, hath thereby renounced to be a king according to the constitution. By avowing to govern by a despotic power, unknown to the constitution and inconsistent with it, he hath renounced to be a king according to the law; such a king as he swore to be at his coronation; such a king to whom the allegiance of an English subject is due; and hath set up another kind of dominion, which is to all intents an abdication, or abandoning of his legal title, as fully as if it had been done by express words.

And, my lords, for these reasons the commons do insist upon the word *abdicated*, and cannot agree to the word *deserted*.

DANIEL FINCH,

(Second Earl of Nottingham,)

Was born 1647, and died 1730. He was all his life an active politician, without being devoted to any party. He seems to have gone just as far his principles would carry him, and no farther; and therefore often stood still in his political career.

Earl of Nottingham's Answer.

Gentlemen,

I WOULD not protract time which is now so necessary to be husbanded, nor perplex debates about any affair like that which now lies before us. It is not a question barely about words, but things, which we are now disputing.

The word *abdicated*, it is agreed by Mr. Somers, is a word of art, and he hath told us what its signification is,

from those that are skilled in the art to which it belongs. He doth acknowledge that it is no law word among English lawyers, nor known to the common law; but then he saith, neither is the word used by the lords, *deserted*.

I agree to him, that neither the one nor the other are words used in our law; but the inference I would draw thence is this: that we have no words applicable to this case, because we never before had such a case; and we must not draw inferences of law in such a case that are not deducible from rules well known in our law.

I will not dispute what the sense of the word abdication is in the civil law, but that it is a civil law word is agreed to by me; and if it be, for that reason I am against using of it, because I am so much in love with our own laws, that I would use no words in a case that so much concerns our legal constitution, but what are fetched from thence.

I hope I shall never see our old laws altered, or if they be, God forbid we should be the voluntary agents in such an alteration.

But then we are told the word *deserted* doth not reach our case, because the signification of the word is but a temporary leaving or forsaking of his power, which he may reassume; nay, which in some cases there is a duty upon him to return unto. If that were all, Mr. Somers hath given himself an answer to that objection, out of what he alledges of the lords' reasons, who have declared, that they are willing to secure the nation against the return of king James into this kingdom, and will therefore concur, with the commons in any act that shall be thought necessary to prevent such his return; so that it should seem we were agreed in that matter; and if that were the point, we should find words proper soon enough to express our meaning by. But I find neither of these words will on the one side or on the other be allowed to signify the meaning, therefore we should (as I take it) come presently to think of some other that would. But

the reasons why my lords did chiefly insist upon the alteration of the word *abdicated* was, because they did apprehend, that it being a word not known to our laws, there might be other inferences drawn from it than they do apprehend our laws will warrant from the case, as it is stated in the fact of this vote, and as they conceive is done in the concluding of the throne's being vacant.

Therefore I think it would shorten the present debate if we did settle that point first: and as we frequently in parliamentary proceedings postpone this and that paragraph in a bill, till some others that may be thought fit to be determined first be agreed to; so we should postpone the debate about the word *abdicate*, till the vacancy of the throne be settled; for if we were sure that the throne were or were not vacant, we should easily light upon what word were proper to be used in this case.

I should therefore propose that we might debate that first; because if there be an English word of known signification in our law, which should signify no more than renouncing for a man's self, and which would not amount to so much as setting aside the right of others, that word may be used; and if no other, the word *renouncing* itself may be taken, which would be best agreed to.

Acting against a man's trust, (says Mr. Serjeant Holt,) is a renunciation of that trust. I agree it is a violation of his trust to act contrary to it, and he is accountable for that violation to answer what the trust suffers out of his own estate; but I deny it to be presently a renunciation of the trust, and that such a one is no longer a trustee.

I beg his pardon if I differ from him in opinion whom I acknowledge to have much more learning in his profession than I can pretend unto. But if the law be as he says in a private case, then I must beg leave to forbear giving my opinion in a case of this public nature that is now before us, till I know what such a trust is, and what the law says in such a case.

If indeed you do pretend that the throne is vacant, and both houses agree in that conclusion I think it will be no matter what word is used about it. But if we do not agree to that conclusion, I think it will be afterwards easy to shew which is the fittest word to be stood upon, or to agree upon some other.

I pray, therefore, (to shorten the debate,) that you, gentlemen, would speak to this point first; and when that is resolved, I hope we shall easily come to an agreement about the other.

SIR GEORGE TREBY.

His Speech on the same Subject.

My Lords,

The particular manner of doing it is, I take it, not the matter in debate just now before us, till it be settled whether a king can abdicate at all, or renounce his kingship at all. This then being granted, that a king may renounce, may resign, may part with his office, as well as the exercise of it, then the question, indeed, is, whether this king hath done so or no?

That he may do it, I take it for granted, it being an act of the will. Then let us now enquire into the facts, as set out in the vote, whether this will of his be manifest. For that, you have heard, may be discovered several ways: the discovery may be by writing, it may be by words, it may be by facts. Grotius himself, and all the authors that treat of this matter, and the nature of it, do agree, That if there be any word or action, that doth sufficiently manifest the intention of the mind and will to part with his office, that will amount to an abdication or renouncing.

Now, my lords, I beg leave to put this case: That had king James II. come here into the assembly of the lords and commons, and expressed himself in writing or words to this purpose: I was born an heir to the crown of England, which is a government limited by laws, made in full parliament, by king, nobles, and commonalty; and, upon the death of my last predecessor, I am in possession of the throne; and now I and I cannot make laws, without the consent of the lords and representatives of the commons in parliament. I cannot suspend laws that have been so made, without the consent of my people: this, indeed, is the title of kingship, I hold by original contract, and the fundamental constitutions of the government: and my succession to and possession of the crown, on these terms, is part of that contract. This part of the contract I am weary of, I do renounce it; I will not be obliged to observe it; nay, I am under an invincible obligation not to comply with it; I will not execute the laws that have been made, nor suffer others to be made, as my people shall desire, for their security in religion, liberty, and property; which are the two main parts of the kingly office in this nation. I say, suppose he had so expressed himself, doubtless this had been a plain renouncing of that legal, regular title, which came to him by descent. If then, he, by particular acts, such as are enumerated in the vote, has declared as much or more than these words can amount to, then he thereby declared his will to renounce the government. He hath, by these acts mentioned, manifestly declared, that he will not govern according to the laws made; nay, he cannot so do, for he is under a strict obligation, (yea the strictest, and superior to that of the original compact between the king and people) to act contrary to the laws, or to suspend them.

By the law he is to administer justice, and to execute his office, according to the tenor of those laws; and the coronation oath obligeth him, likewise, to consent to such laws as the people shall choose. But, on the contrary,

by that unfortunate persuasion (in point of religion) that he hath embraced, he is obliged to suspend the laws that defend the established religion, and to treat it, as it has been called, as the northern heresy, and under pain of damnation to extirpate it. And, in order to it, did sap and repeal all the legal fences of it, without consent of parliament. What the endeavours and practices of that kind have been in the last reign, I suppose we are not now to be told of, or instructed in; and if (as is very plain) this doth amount to a manifest declaration of his will, no longer to retain the exercise of his kingly office, thus limited, thus restrained, then in common sense, as well as the legal acceptation, he has sufficiently declared his renouncing of the very office. As for his departure out of the kingdom, 'tis not material whether it was voluntary or involuntary; but it is sufficient that his acting declares, *quo animo* he went away; he could no longer pursue what he designed, and the contrary of which he was so strongly obliged unto, by the duty of his office and relation, and the obligation of the original contract, as likewise his own coronation oath; and then he desires no longer to be here.

So that taking both these things together, that he will not, nay, he cannot (as thus persuaded in point of religion) govern according to law, and thereupon hath withdrawn himself out of the kingdom; it is a manifest declaration of his express renouncing and parting with his kingly office. And therefore I cannot depart from insisting upon this word *abdicated;* which doth so well correspond to the fact in case, and so well expres[illegible] true meaning of the commons in their vote. Nor can we consent to the postponing this point, till the other, about the vacancy of the throne be determined; for this is the very foundation upon which we are to proceed, for establishing the superstructure of the other conclusion.

SIR ROBERT HOWARD,

(Who is known as a Political and Dramatic Writer,)

Was the son of the earl of Berkshire, knighted at the restoration. He died about 1700.

Sir Robert Howard's Speech on the same Subject.

My Lords,

THE proceeding and expressions of the house of commons in this vote, are fully warranted by the precedent that hath been cited, and are such, wherein there has been no interruption of the government, according to the constitution.

The late king hath, by your lordships' concession, done all those things which amount to an abdication of the government, and the throne's being thereby vacant; and had your lordships concurred with us, the kingdom had long ere this been settled, and every body had peaceably followed their own business. Nay, had your lordships been pleased to express yourselves clearly, and not had a mind to speak ambiguously of it, we had saved all this trouble, and been at an end of disputing.

Truly, my lords, this record that hath been mentioned of Henry IV. I will not say is not a precedent of election, for the archbishop stood up, and looked round on all sides, and asked the lords and commons, whether they would have him to be king? and they asserted, (as the words of the roll are,) that he should reign over them: and so it is done at every coronation.

As to his claim, they did not so much mind that; for they knew that he claimed by descent and inheritance when there was a known person that had a title before him.

For that which a noble lord spoke of, touching the

public acts that have been done since the king left us, I may very well say, we think them legally done; and we do not doubt, but that power which brought in another line then upon the vacancy of the throne by the lession of Richard II. is still, according to the constitution, residing in the lords and commons; and is legally sufficient to supply the vacancy that now is.

That noble lord, indeed, said, that your lordships might not only with the commons, advise the prince of Orange to take upon him the administration, and join with us in the other things; but that you might have done it of yourselves, as being, in the absence of the king, the great council of the nation.

My lords, I shall not say much to that point; your lordships' honours and privileges are great, and your councils very worthy of all reverence and respect.

But I would ask this question of my noble lord that is here, Whether, had their been an heir, to whom the crown had quietly descended in the line of succession, and this heir certainly known, your lordships would have assembled without his calling, or would have either administered the government yourselves, or advised the prince of Orange to have taken it upon him? I doubt you have been (pardon me for saying it) all guilty of high treason, by the laws of England, if a known successor were in possession of the throne; as he must be if the throne were not vacant.

From thence, my lords, your lordships see where the difficulty lies in this matter, and whence it ariseth; because you would not agree the throne to be vacant, when we know of none that possess it.

We know some such thing hath been pretended to, as an heir male, of which there are different opinions; and in the mean time, we are without a government; and must we stay till the truth of the matter be found out? What shall we do to preserve our constitution, while we are without a safe or legal authority to act under the same, according to that constitution; and in a little time it will

perhaps, through the distraction of the times, be utterly irremediable?

I do not deny but your lordships have very great hardships to conflict with in such a case, but what is the occasion of them?

We all do know the monarchy is hereditary; but how, or what shall we do to find out the successor in the right line?

You think it will be a difficult thing to go upon the examination who is heir; perhaps it will be more difficult to resolve in this case, than it might be in another. For though heretofore there have been abdications and vacancies, it has been where the king has been of the same religion, of the established worship of the nation; and amongst those that pretended to the succession, the several claimers have been persons, born and bred up in that religion that was established by law; or it may be, there hath been a child in the womb, at the time of the vacancy.

But then, my lords, there would not be much difficulty to examine, who should inherit, or what where fit to be done; I confess, I say, there are difficulties on all sides, or else your lordships sure would have spoke out before now; and, if you had been clear in it yourselves, you would have let the commons and the world have known it. But it not being clear, must we always remain thus? Use what words you will, fill up, nominate, or elect, it is the thing we are to take care of, and it is high time it were done.

My lords, there is no such consequence to be drawn from this vote, as an intention, or likelihood, of altering the course of the government, so as to make it elective. The throne hath all along descended in an hereditary succession; the main constitution hath been preserved.

The precedent of Henry IV. is not like that of elections in other countries; and I am sorry there should be an occasion for what is necessary to be done now.

But when such difficulties are upon the nation, as we cannot extricate ourselves out of, by fixing who is the lineal successor; your lordships, I hope, will give us leave to remember, *Salus populi est suprema Lex.*

And if neither you nor we can do any thing in this case, then we, who are not under the notion of an assembly, or convention of the states, have met to no purpose: for, after we have voted ourselves to be without a government, (which looks as if something were really intended as for a settlement, all presently sinks,) and we are as much in the dark as we were before.

And, my lords, I pray give me leave to say one thing more: Your lordships say, you will never make a precedent of election, or take upon you to alter the succession.

With your lordship's favour, the settlement of the constitution is the main thing we are to look after. If you provide for the supply of the defect there, that point of the succession will, without all question, in the same method, and at the same time, be surely provided for.

But, my lords, you will do well to consider, Have not you yourselves already limited the very succession, and cut off some that might have a lineal right? Have you not concurred with us in our vote, That it is inconsistent with our religion and our laws, to have a papist to reign over us? Must we not come then to an election, if the next heir be a papist? Nay, suppose there were no protestant heir at all to be found, would not your lordships then break the line?

But your lordships' vote is inconsistent; you do suppose a case of the greatest consequence that can by may happen; and, if that should happen to be our case, that the whole protestant line should fall, would not that necessitate an election? or else we must submit to that which were inconsistent with our religion and laws.

If your lordships, then, in such a case, must break through the succession, I think the nation has reason to

expect you should take care to supply the present defect, where the succession is uncertain.

My lords, if this should not be agreed unto, what will be the consequence? We that used, and justly, to boast of living under the best of governments, must be left without any one; for your lordships, it seems, cannot agree with us to supply and fill up this gap in it, or tell us who is the successor; and we must not do it ourselves by elections, which is the only way left us to provide for our settlement.

Truly, my lords, upon the whole, I cannot tell what condition we shall be in, or what we can do farther: but we must even part and break up in confusion, and so leave the nation to extricate itself as well as it can, out of this distraction. but then, at whose door that will lie, I must leave to your lordships' own thoughts.

WILLIAM III.

(Prince of Orange,)

Was born at the Hague in 1650. He was the son of William, prince of Orange, and Henrietta, daughter of king Charles I. He married the daughter of James II. and in consequence of the arbitrary conduct of that monarch, was invited over in 1688, to take possession of the crown in his stead. He died 1702, by a fall from his horse. He was a man of great abilities, both as a statesman and general.

The King's Speech to Parliament.

My Lords and Gentlemen,

I AM resolved to leave nothing unattempted on my part which may contribute to the peace and prosperity of this nation; and finding my presence in Ireland will be absolutely necessary for the more speedy reducing

of that kingdom, I continue my resolution of going thither as soon as may be; and I have now called you together for your assistance to enable me to prosecute the war with speed and vigour; in which I assure myself of your cheerful concurrence, being a work so necessary for your own safeties.

In order to this, I desire you will forthwith make a settlement of the revenue; and I cannot doubt but you will therein have as much regard for the honour and dignity of the monarchy in my hands, as has been lately shewed to others; and I have so great a confidence in you, that if no quicker or more convenient way can be found, for the raising of ready money, (without which the service cannot be performed,) I shall be very well content for the present, to have it made such a fund of credit as may be useful to yourselves, as well as to me, in this conjuncture; not having the least apprehensions, but that you will provide for the taking off all such anticipations as it shall happen to fall under.

It is sufficiently known how earnestly I have endeavoured to extinguish (or at least compose) all differences amongst my subjects; and to that end how often I have recommended an act of indemnity to the last parliament; but since that part of it which related to the preventing of private suits is already enacted, and because debates of that nature must take up more of your time than can now be spared from the dispatch of those other things which are absolutely necessary for our common safety, I intend to send you an act of grace, with such exceptions of some few persons only, as may be sufficient to shew my great dislike of their crimes, and, at the same time, my readiness to extend protection to all my other subjects; who will thereby see that they can recommend themselves to me by no other methods than what the laws prescribe, which shall always be the only rule of my government.

A further reason which induces me to send you this act at this time, is, because I am desirous to leave no

colour of excuse to any of my subjects, for the raising of disturbances in the government, and especially in the time of my absence; and I say this, both to inform you, and to let some ill-affected men see that I am not unacquainted how busy they are in their present endeavours to alter it.

Amongst other encouragements which I find they give themselves from the ways by which they hope to compass their designs, is the creating differences and disagreement in your councils; which I hope you will be very careful to prevent: for be assured, that our greatest enemies can have no better instruments for their purposes, than those who shall any way endeavour to disturb or delay your speedy and unanimous proceeding upon these necessary matters.

I must recommend also to your consideration, an union with Scotland. I do not mean it should be now entered upon; but they having proposed this to me some time since, and the parliament there having nominated commissioners for that purpose, I should be glad that commissioners might also be nominated here, to treat with them, and to see if such terms could be agreed on, as might be for the benefit of both nations, so as to be ready to be presented to you in some future session.

My lords and gentlemen, I have thought it most convenient to leave the administration of the government in the hands of the queen during my absence; and if it shall be judged necessary to have an act of parliament for the better confirmation of it to her, I desire you will let such an one be prepared, to be presented to me.

I have this only to add, that the season of the year, and my journey into Ireland, will admit but of a very short session; so that I must recommend to you the making such dispatch, that we may not be engaged in debates, when our enemies shall be in the field; for the success of the war, and the more thrifty manage-

ment of it, will both principally depend upon your speedy resolutions; and I hope it will not be long before we shall meet again, to perfect what the time will not now allow to be done.

SIR CHARLES SEDLEY,

(One of the Wits and Poets of the Courts of Charles II.)

Was born about 1639, and died 1701. His daughter had been mistress to James II. Who made her countess of Dorchester; so that, on being asked why he was so great a favourer of the revolution, he replied, "From a principle of gratitude: for since his majesty has made my daughter a countess, it is fit I should do all I can to make his daughter a queen."

Sir Charles Sedley's Speech on the Taxes.

Mr. Speaker,

We have provided for the army; we have provided for the navy; and now, at last, a new reckoning is brought us: we must likewise provide for the lists. Truly, Mr. Speaker, 'tis a sad reflection, that some men should wallow in wealth and places, whilst others pay away, in taxes, the fourth part of their revenue for the support of the same government. We are not upon equal terms for his majesty's service; the courtiers and great officers charge, as it were, in armour; they feel not the taxes by reason of their places, whilst the country gentlemen are shot through and through by them. The king is pleased to lay his wants before us, and, I am confident, expects our advice upon it: we ought therefore to tell him what pensions are too great, what places may be extinguished during the time of the war and public ca-

lamity. His majesty sees nothing but coaches and six, and great tables, and therefore cannot imagine the want and misery of the rest of his subjects: he is a brave and generous prince, but he is a young king, encompassed and hemmed in by a company of crafty old courtiers. To say no more, some have places of 3000*l.* some of 6000*l.* and others of 8000*l. per annum*; and I am told the commissioners of the treasury have 1600*l. per annum*, a piece. Certainly, public pensions, whatever they have been formerly, are much too great for the present want and calamity that reigns every where else; and it is a scandal that a government so sick at heart as ours is, should look so well in the face. We must save the king money wherever we can; for I am afraid the war is too great for our purses, if things be not managed with all imaginable thrift. When the people of England see all things are saved, that can be saved, that there are no exorbitant pensions, nor unnecessary salaries, and all this applied to the use to which they are given, we shall give, and they will pay whatever his majesty can want, to secure the protestant religion, and to keep out the king of France, and king James too; whom by the way I have not heard named this session, whether out of fear, discretion, or respect, I cannot tell. I conclude, Mr. Speaker, with this: let us save the king what we can, and then let us proceed to give what we are able.

SIR JOHN KNIGHT,

(Member for Bristol.)

This worthy citizen, (of whom I am sorry I can learn no more than his title, and the place which he represented,) shall make his appearence, and at full length, though he should be received with as dreadful a storm of criticism, as that which he describes in the outset of his speech. He is a true Englishman, a perfect islander. He seems to have as thorough a hatred for the continent, and all its inhabitants, as if he had been first swaddled in the leaky hold of

a merchantman, or had crawled out of the mud of the Bristol channel. He is not merely warm, he perfectly *reeks* with patriotism, and antipathy to all foreigners. For the last hundred years, we have only been working on this model, and I do not see that we can get much beyond it. We have, it is true, refined the style, filled up the outlines, added elegance to fury, and expanded our prejudices into systems of philosophy. But we have added nothing to the stock. The design and principles remain the same; and they are unalterable. The pattern is closely copied from human nature. Indeed I do not know whether the best examples of modern declamation on this subject, will be found to be much better than awkward affectation, and laboured extravagance, in which the writers scarcely seem to believe themselves, if we compare them with the spirit, the natural expression, the force, and broad decided manner of this great master!

For my own part, I confess I like the blunt, uncouth, *bear-garden* style; the coarse familiarity, and virulent abuse of this honest knight, better than the studied elegance of modern invective. The style is suited to the subject. Every thing is natural and sincere, and warm from the heart. Here are no fine-spun theories, no affected rancour, no attempts to bind fast the spell of ignorance, by the calling in of "metaphysical aid," or to make use of the ice of philosophy as a burning-glass to inflame the violence of the passions. Downright passion, unconquerable prejudice, and unaffected enthusiasm, are always justifiable; they follow a blind, but sure instinct; they flow from a real cause: they are uniform and consistent with themselves; and their mischiefs, whatever they are, have certain limits, may be calculated upon and provided against. But fine reasonings, and gross feelings, do not accord well together. We may apply to them what has been said of love, *non bene conveniunt, nec in una sede morantur majestas et amor.* It is an unnatural union, which can produce nothing but distortion. We are not at present hurried away by the honest ebullitions of resentment, or blind zeal, but are in that state described by Shakespeare, in which "reason panders will." No one is offended at the ravings, the fierce gestures of a madman: but what should we think of a man who affected to start, to foam at the mouth, and feigned himself mad only to have an opportunity for executing the most mischievous purposes? We are not surprised to see poisonous weeds growing in a wilderness; but who would think of transplanting them into a cultivated garden? I am therefore glad to take refuge from the mechanic, cold-blooded fury, and mercenary malice of pretended patriotism, in the honest eloquence, "the downright violence and storm of passion" of this real enthusiast.

Sir John Knight's Speech against the Dutch.

Mr. Speaker,

I have heard of a ship in a violent storm, in danger of perishing every moment; it was not such a sham storm as we were lately entertained with in the Gazette, which deceives the people, by affirming that many ships going for France laden with corn were cast away, though those ships, and many more, are safely arrived in France; but it was such a real storm as on the 7th of the last month, destroyed on the coast of Cornwall upwards of seventy sail of our English ships, most of which were laden with corn, and several sorts of provisions, for the use of our Dutch allies, to enable them to live cheap, by making the same dear at home: perhaps some was for the support of our half-starved, and unpaid English soldiers, now in Flanders; when perished, likewise, more than seven hundred sailors, who have left a great many widows, children, and poor relations, to curse our conduct at sea, the cause of this calamity. In such a dreadful storm it was, (that the foresaid ship was in,) when the good commander seeing the danger, and apprehending death, desired his crew to assist with resolution, and preserve themselves and the ship; which the sailors refusing to do, he retired to his cabin, humbled himself in prayer, and implored the powers that alone could save in time of need, that the ship and the company might be justly swallowed up for the disobedience of the sailors; yet, that he and his cabin might suffer no damage.

Sir, I cannot, as that good commander did, be so vain as to hope, either myself or the place for which I serve can be preserved from the general inundation which this bill we are now debating lets in, on the liberties of my native country, and countrymen; and therefore be unconcerned for the good of England, provided Bristol were safe. To hope for, and expect happiness in life, when all mankind but myself are dead, would not be

more deceiving than to propose comfort and security to myself and corporation, when strangers are admitted to possess and enjoy, by law, all that's valuable in the kingdom; for this bill doth enfranchise all strangers that will swear and protest against popery, with the liberties of every Englishman, after the vast expence of treasure and English blood it hath cost this kingdom, in all times and ages of our fore-fathers, to secure them to themselves and their posterity.

Wherefore, Mr. Speaker, I must beg pardôn, if at this time I cannot sit silent, but express a zealous concern as well for the kingdom in general, as for the place I represent in particular; and I am more moved thereunto, whilst I see so many members sent here by their country, for the conservation of the Englishmens' liberties, so warm as to part with all to strangers with one vote.

The argument of the honourable person near me, to render all the care of our fore-fathers of no esteem amongst us, who are, or who ought to be, the representatives of the kingdom, was to prove that this age and generation are wiser (he did not say honester) than the former.

I remember a west countryman, many years past, undertook to prove the same to me, and my company beyond sea, by declaring his father was a fool to him; I yielded him that point, by concluding both to be such; and yet our fore-fathers might be wise men. I shall not at this time question the wisdom of those who promote the bill, or their fathers'. For myself, I declare in behalf of the wisdom and honesty of our predecessors, nor can I assent to the yielding up of the liberties and laws they derived unto us, only because some gentlemen think better of themselves (and perhaps mistakenly) than of their parents.

Sir, I was early instructed in a principle of deference to the wisdom of our ancestors; and at this time I tremble, when I reflect on the correction given me by

my master, that I might not forget, but imitate and defend in all times this rule: Let them only be accounted good, just, and wise men, who regard and defend the statutes, laws, ordinances, and liberties, which their forefathers' wisdom and experience obtained for themselves and posterity. Now, it is my opinion, Mr. Speaker, that if those gentlemen who approve of this bill, had not only been taught that rule, but as well corrected as myself, they would be of my judgment; and I wish that they who depart from that rule, and sacrifice our English liberties to a number of mercenary foreigners, may not meet with a much more rigorous and exemplary chastisement from their enraged and ruined countrymen.

The arguments used for the bill, are in substance these: First, A want of purchasers for our land. Secondly, Of merchants. Thirdly, Manufacturers who can work cheaper than the English. Fourthly, Husbandmen to till the ground.

To all these I shall return short answers; but if I debate not on them with that advantage and reason as our land admirals can (no doubt) with great ingenuity on sea politics; I hope the house will pardon me: for my observations never cost the kingdom such expence of money at home, and losses at sea, as hath the experience of those honourable persons in sea affairs.

First, it's argued by some, that we want purchasers for the lands; this is a melancholy consideration. I therefore desire those gentlemen who approve of this bill, to tell me what it is hath brought us to this condition; that the landed men of England are reduced to so low an ebb, that they must sell, and none are left able to buy, unless foreigners are naturalized. Doth this prove our forefathers wanted understanding? Or doth it not rather conclude itself occasioned by our want of it, and by our not following their examples, who never taxed their country to the ruin both of themselves and their posterity; nor did they expend the money of the kingdom on such allies as ours; who, as we have been informed by some of

the privy council, are not in our interest, and will spare us none of their men for our pay, without great pensions likewise for themselves. Can any man hope to persuade me that our fore-fathers would have brought foreign soldiers into England, and pay them, and naturalize them likewise; and at the same time send the English soldiers abroad, to fight in a strange land, without their pay?

Let us abate our taxes, and, after the wise precedent of our fathers, pay our own seaman and soldiers at home, and send the foreigners back. Then the money will be found circulating at home, in such Englishmen's hands who may buy the lands that are to be sold, without naturalizing strangers.

Secondly, It's said we want more merchants: whom may we thank for bringing so many to poverty? But I shall forbear grating, and desire the liberty to consider in short, how the trade of England hath hitherto been carried on. Gentlemen have placed their younger children to merchants: their masters observing their honesty and diligence, when they have gained some experience in the necessary parts of trade, generally send them abroad to Turkey, all parts of the Levant, to Spain, Portugal, the East and West Indies, and all parts where England holds any considerable commerce. There the young men are employed by, and entrusted with, the stocks and estates of their masters and friends, whereby all parties, both the principals at home, and the factors abroad, are advantaged, and England enriched; (for there, in the end, all centers;) and at last, when they are satisfied with gain, they return to their native soil, their friends and relations, for ease and employment, making room for a younger generation to succeed in their profitable employments. Thus, hitherto, this kingdom hath advanced in riches, while foreigners could not with success plant their factories on us, through the advantage we had by our laws: let us but turn the tables, and consider the consequence. Suppose we pass this

bill, and the Dutch (who no doubt will take the oaths as this bill directs, and protest against popery and paganism, and on occasion christianity too, as at Japan,) send their servants and factors hither, and we naturalize them, and let the capital stock, which gets an employ to these new-made Englishmen, belong to their masters and friends, who never did or ever will live amongst us; will it not then follow, that the profit will be theirs, and not England's? and will not the new-made English (yet Dutchmen still) return to their country and friends, with their gain, as our people hitherto have done? We may observe by our inland trade, that it's seldom they who make the manufactures gain estates, but those who employ their stocks in buying and selling what others make; and it's the same with the merchants: those that export and import are the gainers, the first maker very seldom, the consumer never.

The conclusion then of this experiment must be this: That what hath hitherto been gain to England, by English merchants and factors, will be turned to a foreign land, by the foreign merchants being naturalized for their own, not England's advantage.

But this is not all: for at once the art of navigation will be rendered useless. Whence then will be a nursery for seamen? For foreign merchants will naturalize foreign seamen; and, when the press-masters find them, they will *Dutchen spraken ya mijnheer*, and avoid the service; but at the Custom-house, Exchange, and in all corporations, they will be found as good Englishmen as any of this house. From whence it followeth, that trade will be only carried on by foreign merchants and seamen; and the English seamen condemned to our men of war; and perhaps live there, as hitherto, without their pay, till another million be owing them for wages; and, in the interim, have this only consolation and reward for service done, and to be done, that their wives and children may be subsisted with the alms of

the parish, whilst foreign soldiers are maintained at home and abroad with their pay.

A third argument for admitting foreigners, is upon a supposed want we have of manufacturers, especially such as will work cheaper than the English. In my opinion, this reasoning is extraordinary, and ought not to take air out of the house, lest the old English spirit should exert itself in defence of its liberties: for at this time, when all provisions are become excessive dear, by the great quantities exported to Holland, which puts the poor English manufacturers on starving in most parts of England, for want of a full employ to enable them to support their families by their honest and painful labour and industry; shall an English parliament let in strangers to undersell our country? which they may easily do, whilst they live in garrets, pay no taxes, and are bound to no duty. How shall we answer this to our country, who sent us here? When, by so doing, instead of making the kingdom more populous, we provide only for the subsistence of foreigners; and put our countrymen to the choice of starving at home, or to turn soldiers, and be sent to Flanders, and starve there for want of their pay: for it's well known, that at this time more commodities are made in England than can be consumed abroad, or at home; which makes the poor manufacturers so miserable. All country gentlemen within this house, have for several sessions laboured what they could to raise the price of the provisions which their lands produce; and some think it not great enough yet, and they would despise that man who should endeavour to lower the rates, by proposing a free importation of Irish cattle and corn, though he had no other design than that charitable and necessary one of relieving the poor; and yet these very gentlemen are for this bill, because they would have the labour of the poor brought to a lower advantage. In my opinion, this is a very unequal way of reasoning; that whilst we raise the price of the pro-

duct of the land for the gentlemen to live in greater state, at the same time our consults are how to make the half starved manufacturers that live by their daily labour, more and more miserable. What opinion will the common people of England have of this house, and the gentlemen of the kingdom, whom nothing can please but what is made by foreigners, or comes from abroad?

Our palates, for a long time, have been so nice, that nothing but a French cook could please them; nor could we persuade ourselves that our clothing was good, unless from head to foot we were *a la mode de France*. The gentleman was not well served, without a Frenchman; and the lady's *commode* could not sit right, if her fine French woman did not put it on. Now, on a sudden, the change is as violent in favour of the Dutch, who are great courtiers; and the only taking people; and our English are a sort of clumsy fisted people, if compared with the modish Dutch *Hans* and *Frow*; and in short, the Englishmen are fit for nothing but to be sent to Flanders, and there either to fight, steal, or starve, for want of pay. There is one thing, Mr. Speaker, which comes into my mind, with which I shall close this consideration: What reason was there for blaming the mayors, aldermen, common councils, and other governors of corporations, for surrendering their charters though they still retained their rights, for Englishmen only to come into new charters; and at the same time hope to justify our proceedings, though we throw up the great charter of our English liberties, to admit strangers.

A fourth pretence for this bill is, a want of husbandmen to till the ground. I shall say little on this head, but request the honourable person below me to tell me, of the forty thousand French which he confesseth are come into England, how many does he know that at this time follow the plow tail? For it's my firm opinion, that not only the French, but any other nation this bill shall let in upon us, will never transplant them-

selves for the benefit of going to plow: they will contentedly leave the English the sole monoply of that slavery.

Upon the whole, sir, it's my judgment, that should this bill pass, it will bring as great afflictions on this nation, as ever fell upon the Egyptians; and one of their plagues we have at this time very severe upon us: I mean that of their land bringing forth frogs in abundance, even in the chambers of their kings; for there is no entering the courts of St. James's and Whitehall, the palaces of our hereditary kings, for the great noise and croaking of the frog landers.

Mr. Speaker, this nation is a religious, just, and zealous nation, who in some of their fits of zeal have not only quarrelled and fought for the same, but have murdered and deposed kings, nobles, and priests, for the sake of their religion and liberties, which they pretended to prove from the bible. We are the religious representatives of this religious people: let us therefore learn instruction in this case before us, from that great book, where we may be informed that St. Paul, by being born free of heathen Rome, escaped a whipping, and valued and pleaded that privilege; and the chief captain of the Romans prides himself that he, with a great sum, had obtained that freedom; and feared greatly when he had violated St. Paul's liberty, by binding of him; and shall we set at nought the freedom of the English nation, who are a religious christian kingdom, and part with the same to strangers, for nothing, unless the undoing of our own countrymen who sent us here, but not on this errand? Certainly we should follow the example of the Roman captain, and fear and tremble when we consider the just provocation we shall give to the kingdom, who will expect that we preserve, and not destroy, every English man's birth-right.

Sir, we may further learn from that book the fate of the Egyptians; who experienced, on the score of charity, what it is a people may expect from admitting

strangers into their country and councils. Joseph was a stranger, sold a slave into Egypt; yet, being taken into Pharaoh's council, he, by taxes and other fine projects, brought the seven years plenty God had blest the Egyptians with, into the granaries of Pharaoh; but, when dearth came on the land, and the people cried to their king for relief, they were sent to the stranger Joseph, who getteth from them, for that which was once their own, all their money, their cattle, their lands, and last of all, their persons into slavery; though at the same time, he did far otherwise by his own countrymen, for he placed them in the best of the land, the land of Goshen, and nourished them from the king's store. This example should teach us to be wise in time, seeing all this was done by the advice of one foreigner in the privy council; and what may that country expect, where the head, and many of the council, are foreigners.

Sir, I perceive some gentlemen are uneasy; perhaps I have offended them, in supposing they are religious representatives, or concluding that their religion is to be proved from the bible; if that be it which displeaseth, I beg their pardon, and promise not to offend again on that score, and will conclude all with this motion: That the serjeant be commanded to open the doors, and let us first kick this bill out of the house, and then foreigners out of the kingdom.

QUEEN ANNE,

Was the second daughter of James II. born in 1664, and died 1714. She came to the crown in 1701.

Queen Anne's Speech to both Houses.

My Lords and Gentlemen,

I CANNOT too much lament my own unhappiness in succeeding to the crown immediately after the loss of a king, who was the great support, not only of these kingdoms, but of all Europe. I am extremely sensible of the weight and difficulty it brings upon me.

But the true concern I have for our religion, for the laws and liberties of England, for maintaining the succession of the crown to the protestant line, and the government in church and state, as by law established, encourages me in this great undertaking; which I promise myself will be successful, by the blessing of God and the continuance of that fidelity and affection, of which you have given me so full assurances.

The present conjuncture of affairs requires the greatest application and dispatch; and I am very glad to find in your several addresses, so unanimous a concurrence in the same opinion with me, that too much cannot be done for the encouragement of our allies, to reduce the exorbitant power of France.

I think it very necessary, at this time, to desire you to consider of proper methods for attaining an union between England and Scotland; which has been so lately recommended to you as a matter that very nearly concerns the peace and security of both kingdoms.

Gentlemen of the house of commons, I need not put you in mind, that the revenue for defraying the expences of the civil government is expired. I rely en-

tirely upon your affection, for the supplying of it in such a manner as shall be most suitable for the honour and dignity of the crown.

My lords and gentlemen, It shall be my constant endeavour to make you the best return for that duty and affection, which you have expressed to me by a careful and diligent administration for the good of my subjects; and as I know mine own heart to be entirely English, I can very sincerely assure you, there is not any thing you can expect or desire from me, which I shall not be ready to do for the happiness and prosperity of England; and you shall always find me a strict and religious observer of my word.

LORD BELHAVEN.

The following Speech is inserted in the debates of this period. Though it does not come regularly within the plan of this collection, yet I thought I might be allowed to give it for the sake of diversifying the style of the work, and as a curious record of national feeling. As to the style, "it has the melancholy madness of poetry, without the inspiration." It has all the forms of eloquence, but not all the power; and is an excellent instance to shew how far mere *manner* will go. There can be little doubt but that this oration must have produced a very great effect; and yet there is nothing in it which any man might not say who was willing to indulge in the same strain of academic description. But it adopts the language of imagination, mimics her voice and gestures, conforms to her style by a continued profusion of figure and personification, and is full of that eloquence which consists in telling your mind freely, and which carries the hearer along with it, because you never seem to doubt for a moment of his sympathy, or that he does not take as great an interest in the question as you do. There is no captious reserve, no surly independence, no affected indifference, no fear of committing yourself, or exposing yourself to ridicule, by giving a loose to your feelings; but every thing seems spoken with a full heart, sensible of the value of the cause it espouses, and only fearful of failing in expressions of zeal towards it, or in the respect that is due to it. Perhaps, what I have here stated may serve to point out the characteristic difference between the eloquence of the English and the French. The latter avail themselves of all the advantages that art and trick and adven-

titious ornament can give; and they are chiefly anxious to produce an effect by the most obvious means. If their thoughts are but fine, they do not care how common they are: this is because they have more vanity than pride, and are willing to be pleased at any rate. On the other hand, an Englishman's muse is generally the spleen. He is for defying others into sympathy, and had rather incur their contempt than endeavour to gain their good opinion by shewing a desire to please them. He likes to do every thing in the most difficult way, and from a spirit of contradiction. Accordingly, his eloquence (when it is forced from him) is the best that can be, because it is of nature's doing and not his own, and comes from him in spite of himself." However, there is a sort of gallantry in eloquence as well as in love. To coquet with the muses, to dally with the fair forms of speech, to be full of nothing but apostrophes, interjections, interrogations, to be in raptures at the sight of a capital letter, and to take care never to lose a fine thought any more than a fine girl, for fear of putting a question, are the only means by which a man without imagination can hope to be an orator; as it is only by being a coxcomb, that a man who is not handsome can ever think of pleasing the women! But to return from this digression to the speech itself, it contains a good deal of warmth and animation, and if the author had been a *young* man, would have done him credit.

Lord Belhaven's Speech in the Scotch Convention, against the Union.

My Lord Chancellor,

When I consider the affair of an union betwixt the two nations, as it is expressed in the several articles thereof, and now the subject of our deliberation at this time, I find my mind crouded with a variety of melancholy thoughts; and I think it my duty to disburden myself of some of them by laying them before, and exposing them to the serious consideration of this honourable house.

I think I see a free and independent kingdom delivering up that which all the world hath been fighting for since the days of Nimrod; yea, that for which most of

all the empires, kingdoms, states, principalities, and dukedoms of Europe, are at this time engaged in the most bloody and cruel wars that ever were: to wit, a power to manage their own affairs by themselves, without the assistance and counsel of any other.

I think I see a national church, founded upon a rock, secured by a claim of right, hedged and fenced about by the strictest and most pointed legal sanction that sovereignty could contrive, voluntarily descending into a plain, upon an equal level with Jews, Papists, Socinians, Arminians, Anabaptists, and other sectaries.

I think I see the noble and honourable peerage of Scotland, whose valiant predecessors led armies against their enemies upon their own proper charges and expence, now divested of their followers and vassalages, and put upon such an equal foot with their vassals, that I think I see a petty English exciseman receive more homage and respect than what was paid formerly to their *quondam* Mackallamores.

I think I see the present peers of Scotland, whose noble ancestors conquered provinces, over-run countries, reduced and subjected towns and fortified places, exacted tribute through the greatest part of England, now walking in the court of requests, like so many English attornies, laying aside their walking swords when in company with the English peers, lest their self-defence should be found murder.

I think I see the honourable estate of barons, the bold assertors of the nation's rights and liberties in the worst of times, now setting a watch upon their lips, and a guard upon their tongues, lest they may be found guilty of *scandalum magnatum*.

I think I see the royal state of burghers walking their desolate streets, hanging down their heads under disappointments, wormed out of all the branches of their old trade, uncertain what hand to turn to, necessitated to become prentices to their unkind neighbours, and yet,

after all, finding their trade so fortified by companies, and secured by prescriptions, that they despair of any success therein.

I think I see our learned judges laying aside their pratiques and decisions, studying the common law of England, gravelled with *certioraris*, *nisi priuses*, *writs of error*, *verdicts*, *injunctions*, *demurs*, &c. and frighted with appeals and avocations, because of the new regulations and rectifications they may meet with.

I think I see the valiant and gallant soldiery either sent to learn the plantation trade abroad, or at home petitioning for a small subsistence, as a reward of their honourable exploits; while their old corps are broken, the common soldiers left to beg, and the youngest English corps kept standing.

I think I see the honest industrious tradesman loaded with new taxes and impositions, disappointed of the equivalents, drinking water in place of ale, eating his saltless pottage, petitioning for encouragement to his manufactures, and answered by counter petitions.

In short, I think I see the laborious ploughman, with his corn spoiling upon his hands, for want of sale, cursing the day of his birth, dreading the expence of his burial, and uncertain whether to marry or do worse.

I think I see the incurable difficulties of the landed men, fettered under the golden chain of equivalents, their pretty daughters petitioning for want of husbands, and their sons for want of employment.

I think I see our mariners delivering up their ships to their Dutch partners, and what through presses and necessity, earning their bread as underlings in the royal English navy.

But above all, my lord, I think I see our ancient mother Caledonia, like Cæsar, sitting in the midst of our senate, ruefully looking round about her, covering herself with her royal garment, attending the fatal blow, and breathing out her last with an *Et tu quoque mi fil.*

Are not these, my lord, very afflicting thoughts? And yet they are but the least part suggested to me by these dishonourable articles. Should not the consideration of these things vivify these dry bones of ours? Should not the memory of our noble predecessors' valour and constancy rouse up our drooping spirits? Are our noble predecessors' souls got so far into the English cabbage-stalk, and cauliflowers, that we should shew the least inclination that way? Are our eyes so blinded, are our ears so deafened, are our hearts so hardened, are our tongues so faltered, are our hands so fettered, that in this our day, I say, my lord, in this our day, we should not mind the things that concern the very being, and well being of our ancient kingdom, before the day be hid from our eyes?

I design not at this time to enter into the merits of any one particular article. I intend this discourse as an introduction to what I may afterwards say upon the whole debate, as it falls in before this honourable house; and therefore, in the farther prosecution of what I have to say, I shall insist upon a few particulars, very necessary to be understood before we enter into the detail of so important a matter.

I shall therefore, in the first place, endeavour to encourage a free and full deliberation, without animosities and heats. In the next place, I shall endeavour to make an inquiry into the nature and source of the unnatural and dangerous divisions that are now on foot within this isle, with some motives shewing that it is our interest to lay them aside at this time. Then I shall inquire into the reasons which have induced the two nations to enter into a treaty of union at this time, with some considerations and meditations with relation to the behaviour of the lords commissioners of the two kingdoms in the management of this great concern. And lastly, I shall propose a method, by which we shall most distinctly, and without confusion, go through the several articles of this treaty, without unnecessary repetitions or loss of

time. And all this with all deference, and under the correction of this honourable house.

My lord chancellor, the greatest honour that was done unto a Roman, was to allow him the glory of a triumph; the greatest and most dishonourable punishment was that of parricide. He that was guilty of parricide was beaten with rods upon his naked body, till the blood gushed out of all the veins of his body; then he was sewed up in a leathern sack called a *culeus*, with a cock, a viper, and an ape, and thrown headlong into the sea.

My lord, patricide is a greater crime than parricide, all the world over.

In a triumph, my lord, when the conqueror was riding in his triumphal chariot, crowned with laurels, adorned with trophies, and applauded with huzzas! there was a monitor appointed to stand behind him, to warn him not to be high minded, nor puffed up with over weening thoughts of himself; and to his chariot were tied a whip and a bell, to remind him that for all his glory and grandeur, he was accountable to the people for his administration, and would be punished, as other men, if found guilty.

The greatest honour amongst us, my lord, is to represent the sovereign's sacred person in parliament; and in one particular it appears to be greater than that of a triumph, because the whole legislative power seems to be wholly entrusted with him. If he give the royal assent to an act of the estates, it becomes a law obligatory upon the subject, though contrary or without any instructions from the sovereign. If he refuse the royal assent to a vote in parliament, it cannot be a law, though he has the sovereign's particular and positive instructions for it.

His grace the duke of Queensbury, who now represents her majesty in this session of parliament, hath had the honour of that great trust as often, if not more, than any Scotchman ever had. He hath been the favourite

of two successive sovereigns, and I cannot but commend his constancy and perseverance, that notwithstanding his former difficulties and unsuccessful attempts, and *maugre* some other specialties not yet determined, that his grace has yet had the resolution to undertake the most unpopular measures last. If his grace succeed in this affair of an union, and that it prove for the happiness and welfare of the nation, then he justly merits to have a statue of gold erected for himself; but if it shall tend to the entire destruction and abolition of our nation, and that we, the nation's trustees, will go into it, then I must say, that a whip and a bell, a cock, and a viper, and an ape, are but too small punishments for any such bold unnatural undertaking and complaisance.

That I may pave a way, my lord, to a full, calm, and free reasoning upon this affair, which is of the last consequence unto this nation, I shall mind this honourable house, that we are the successors of our noble predecessors who founded our monarchy, framed our laws, amended, altered, and corrected them from time to time, as the affairs and circumstances of the nation did require, without the assistance or advice of any foreign power or potentate; and who, during the time of 2000 years, have handed them down to us a free independent nation, with the hazard of their lives and fortunes. Shall not we then argue for that which our progenitors have purchased for us at so dear a rate, and with so much immortal honour and glory? God forbid; shall the hazard of a father unbind the ligaments of a dumb son's tongue, and shall we hold our peace when our *patria* is in danger? I speak this, my lord, that I may encourage every individual member of this house to speak their mind freely; there are many wise and prudent men amongst us, who think it not worth their while to open their mouths; there are others, who can speak very well, and to good purpose, who shelter themselves under the shameful cloak of silence from a fear

of the frowns of great men and parties. I have observed, my lord, by my experience, the greatest number of speakers in the most trivial affairs; and it will always prove so, while we come not to the right understanding of the oath *de fideli*, whereby we are bound not only to give our vote but our faithful advice in parliament, as we should answer to God: and in our ancient laws, the representatives of the honourable barons and the royal boroughs are termed spokesmen. It lies upon your lordships, therefore, particularly to take notice of such, whose modesty makes them bashful to speak. Therefore, I shall leave it upon you, and conclude this point with a very memorable saying of an honest private gentleman to a great queen, upon occasion of a state project, contrived by an able statesman and the favourite to a great king, against a peaceful obedient people, because of the diversity of their laws and constitutions: "If at this time thou hold thy peace, salvation shall come to the people from another place; but thou and thy house shall perish." I leave the application to each particular member of this house.

My lord, I come now to consider our divisions. We are under the happy reign (blessed be God) of the best of queens, who has no evil design against the meanest of her subjects; who loves all her people, and is equally beloved by them again; and yet, that under the happy influence of our most excellent queen, there should be such divisions and factions, more dangerous and threatening to her dominions than if we were under an arbitrary government, is most strange and unaccountable. Under an arbitrary prince all are willing to serve, because all are under a necessity to obey, whether they will or not. He chooses therefore whom he will, without respect to either parties or factions, and if he think fit to take the advices of his council or parliaments, every man speaks his mind freely, and the prince receives the faithful advice of his people, without mixture of self-designs; if he prove a good prince,

the government is easy; if bad, either death or a revolution brings a deliverance: whereas here, my lord, there appears no end of our misery, if not prevented in time. Factions are now become independent, and have got footing in councils, in parliaments, in treaties, in armies, in incorporations, in families, among kindred; yea, man and wife are not free from their political jars.

It remains, therefore, my lord, that I enquire into the nature of these things; and since the names give us not the right idea of the thing, I am afraid I shall have difficulty to make myself well understood.

The names generally used to denote the factions, are whig and tory; as obscure as that of guelfs and gibelins; yea, my lord, they have different significations, as they are applied to factions in each kingdom. A whig in England is a heterogeneous creature: in Scotland he is all of a piece. A tory in England is all of a piece, and a statesman: in Scotland he is quite otherwise; an anticourtier and antistatesman.

A whig in England appears to be somewhat like Nebuchadnezzar's image, of different metals, different classes, different principles, and different designs; yet take them altogether, they are like a piece of some mixed drugget of different threads; some finer, some coarser, which after all make a comely appearance, and an agreeable suit. Tory is like a piece of loyal home made English cloth, the true staple of the nation, all of a thread; yet if we look narrowly into it, we shall perceive a diversity of colours, which, according to the various situations and positions, make various appearances. Sometimes tory is like the moon in its full; as appeared in the affair of the bill of occasional conformity. Upon other occasions, it appears to be under a cloud, and as if it were eclipsed by a greater body; as it did in the design of calling over the illustrious princess Sophia: however, by this we may see their designs are to outshoot whig in his own bow.

Whig, in Scotland, is a true blue presbyterian, who, without considering time or power, will venture his all for the kirk, but something less for the state. The greatest difficulty is how to describe a Scots tory. Of old, when I knew them first, tory was an honest hearted comradish fellow, who, provided he was maintained and protected in his benefices, titles, and dignities, by the state, he was the less anxious who had the government and management of the church; but now, what he is since *jure divino* came in fashion, and that christianity, and by consequence salvation, comes to depend upon episcopal ordination, I profess I know not what to make of him; only this I must say for him, that he endeavours to do by opposition, that which his brother in England endeavours by a more prudent and less scrupulous method.

Now, my lord, from these divisions, there has got up a kind of aristocracy, something like the famous triumvirate at Rome; they are a kind of undertakers and pragmatic statesmen, who, finding their power and strength great, and answerable to their designs, will make bargains with our gracious sovereign; they will serve her faithfully, but upon their own terms; they must have their own instruments, their own measures; this man must be turned out, and that man put in, and then they will make her the most glorious queen in Europe.

Where will this end, my lord? Is not her majesty in danger by such a method? Is not the monarchy in danger? Is not the nation's peace and tranquillity in danger? Will a change of parties make the nation more happy? No, my lord. The seed is sown, that is like to afford us a perpetual increase: it's not an annual herb, it takes deep root; it seeds and breeds, and if not timely prevented by her majesty's royal endeavours, will split the whole island in two.

My lord, I think, considering our present circumstances at this time, the Almighty God has reserved

this great work for us. We may bruise this hydra of division, and crush this cockatrice's egg. Our neighbours in England are not yet fitted for any such thing; they are not under the afflicting hand of providence, as we are; their circumstances are great and glorious; their treaties are prudently managed, both at home and abroad; their generals brave and valorous, their armies successful and victorious; their trophies and laurels memorable and surprising; their enemies subdued and routed, their strong holds besieged and taken; sieges relieved, marshals killed and taken prisoners; provinces and kingdoms are the results of their victories; their royal navy is the terror of Europe; their trade and commerce extended through the universe, encircling the whole habitable world, and rendering their own capital city the emporium for the whole inhabitants of the earth: and which is yet more than all these things, the subjects freely bestowing their treasure upon their sovereign; and above all, these vast riches, the sinews of war, and without which all the glorious success had proved abortive, these treasures are managed with such faithfulness and nicety, that they answer seasonably all their demands, though at never so great a distance. Upon these considerations, my lord, how hard and difficult a thing will it prove to persuade our neighbours to a self-denying bill.

'Tis quite otherwise with us, my lord, as we are an obscure poor people, though formerly of better account, removed to a distant corner of the world, without name, and without alliances: our posts mean and precarious; so that I profess I don't think any one post in the kingdom worth the briguing after,* save that of being commissioner to a long session of a factious Scots parliament, with an antedated commission, and that yet renders the rest of the ministers more miserable. What hinders us, then, my lord, to lay aside our divisions,

* Seeking for.

to unite cordially and heartily together in our present circumstances, when our all is at stake. Hannibal, my lord, is at our gates—Hannibal is come within our gates—Hannibal is come the length of this table—He is at the foot of the throne. He will demolish the throne, if we take not notice. He will seize upon these regalia. He will take them as our *spolia opima*, and whip us out of this house, never to return again.

For the love of God, then, my Lord, for the safety and welfare of our ancient kingdom, whose sad circumstances I hope we shall yet convert into prosperity and happiness! we want no means if we unite. God blessed the peace makers. We want neither men, nor sufficiency of all manner of things necessary to make a nation happy. All depends upon management; *concordia res parvæ crescunt*. I fear not these articles, though they were ten times worse than they are, if we once cordially forgive one another, and that according to our proverb, *Bygones be Bygones*, and fair play for time to come. For my part, in the sight of God, and in the presence of this honourable house, I heartily forgive every man, and beg that they may do the same to me; and I do most humbly propose, that his grace, my lord commissioner, may appoint an agape, may order a love feast for this honourable house, that we may lay aside all self-designs, and after our fasts and humiliations, may have a day of rejoicing and thankfulness; may eat our meat with gladness, and our bread with a merry heart: then shall we sit each man under his own fig-tree, and the voice of the turtle shall be heard in our land, a bird famous for constancy and fidelity.

GEORGE I.

Was the son of the Elector of Hanover, by Sophia, grand-daughter of James I. He was born in 1660, and succeeded queen Anne, in 1714. He died suddenly, abroad, in 1727. He talks of the throne of his ancestors with a pious simplicity.

The King's Speech on his Accession.

My Lords and Gentlemen,

THIS being the first opportunity that I have had of meeting my people in parliament, since it pleased Almighty God, of his good providence, to call me to the throne of my ancestors; I most gladly make use of it to thank my faithful and loving subjects, for the zeal and firmness that hath been shewn in defence of the protestant succession, against all the open and secret practices that have been used to defeat it; and I shall never forget the obligations I have to those who have distinguished themselves upon this occasion.

It were to be wished that the unparalleled successes of a war, which was so wisely and chearfully supported by this nation, in order to procure a good peace, had been attended with a suitable conclusion. But it is with concern I must tell you, that some conditions, even of this peace, essential to the security and trade of Great Britain, are not yet duly executed, and the performance of the whole may be looked upon as precarious, until we shall have formed defensive alliances to guarantee the present treaties.

The pretender, who still resides in Lorrain, threatens to disturb us, and boasts of the assistance which he still expects here, to repair his former disappointments.

A great part of our trade is rendered impracticable; this, if not retrieved, must destroy our manufactories, and ruin our navigation.

The publick debts are very great, and surprisingly increased ever since the fatal cessation of arms. My first care was to prevent a farther increase of these debts, by paying off forthwith a great number of ships, which had been kept in pay, when there was no occasion for continuing such an expence.

Gentlemen of the house of commons, I rely upon you for such supplies as the present circumstances of our affairs require for this year's service, and for the support of the public faith. The estimates shall be laid before you, that you may consider of them; and what you shall judge necessary for your safety, I shall think sufficient for mine.

I doubt not but you will concur with me in opinion, that nothing can contribute more to the support of the credit of the nation, then a strict observance of all parliamentary engagements.

The branches of the revenue formerly granted for the support of the civil government, are so far incumbered and alienated, that the produce of the funds which remain, and have been granted to me, will fall much short of what was at first designed for maintaining the honour and dignity of the crown; and since it is my happiness (as I am confident you think it yours) to see a prince of Wales, who may in due time succeed me on the throne, and to see him blessed with many children, the best and most valuable pledges of our care and concern for your prosperity, this must occasion an expence to which the nation has not of many years been accustomed, but such as surely no man will grudge; and therefore I do not doubt but you will think of it with that affection which I have reason to hope from you.

My lords and gentlemen, The eyes of all Europe are upon you, waiting the issue of this first session. Let

no unhappy divisions of parties here at home, divert you from pursuing the common interest of your country. Let no wicked insinuations disquiet the minds of my subjects. The established constitution in church and state shall be the rule of my government. The happiness, ease, and prosperity of my people, shall be the chief care of my life. Those who assist me in carrying on these measures, I shall always esteem my best friends: and I doubt not but that I shall be able, with your assistance, to disappoint the designs of those who would deprive me of that blessing which I most value, the affections of my people.

ROBERT HARLEY,

(Eldest Son of Sir Edward Harley, and afterwards Earl of Oxford,)

Was born 1661, and died 1724. His politics in the latter part of the reign of qeen Anne, rendered him obnoxious in the succeeding reign; and in 1715, he was accused of high-treason, but was at length acquitted. He was the friend of Swift.

The Earl of Oxford's Defence before the House of Lords.

My Lords,

It is a very great misfortune for any man to fall under the displeasure of so great and powerful a body as the commons of Great Britain: and this misfortune is the heavier upon me, because I had the honour to be placed at the head of the late ministry, and must now, it seems, be made accountable for all the measures that were then pursued; but, on the other hand, 'tis a very great comfort to me under this misfortune, that I have the honour to be a member of this august assembly, an

assembly, which always squares their proceedings and judgments by the rules of honour, justice, and equity; and is not to be biassed by a spirit of party.

My lords, I could say a great deal to clear myself of the charge which is brought against me: but as I now labour under an indisposition of body, besides the fatigue of this long sitting, I shall contract what I have to say in a narrow compass. This whole accusation may it seems, be reduced to the negotiation and conclusion of the peace. That the nation wanted a peace no body will deny; and I hope it will be easily made out that the conditions of this peace are as good as could be expected, considering the circumstances wherein it was made, and the backwardness and reluctancy which some of the allies shewed to come into the queen's measures. This is certain, that this peace, bad as it is now represented, was approved by two successive parliaments: it is, indeed, suggested against this peace, that it was a separate one; but I hope, my lords, it will be made appear that it was general, and that it was France, and not Great Britain, that made the first steps towards a negotiation: and, my lords, this I will be bold to say, that during my whole administration, the sovereign upon the throne was loved at home, and feared abroad.

As to the business of Tourney, which is made a capital charge, I can safely aver, that I had no manner of share in it, and that the same was wholly transacted by that unfortunate nobleman, who thought fit to step aside; but I dare say in his behalf, that if this charge could be proved, it would not amount to treason. For my own part, as I always acted by the immediate directions and commands of the late queen, and never offended against any known law, I am justified in my own conscience, and unconcerned for the life of an insignificant old man; but I cannot, without the highest ingratitude, be unconcerned for the best of queens; a queen who heaped upon me honours and preferments, though I never asked for them: and therefore I think myself un-

der an obligation to vindicate her memory, and the measures she pursued with my dying breath.

My lords, if ministers of state, acting by the immediate commands of their sovereign, are afterwards to be made accountable for their proceedings; it may, one day or other, be the case of all the members of this august assembly; I don't doubt, therefore, that out of regard to yourselves, your lordships will give me an equitable hearing; and I hope that, in the prosecution of this inquiry, it will appear that I have merited not only the indulgence, but likewise the favour of the government.

My lords, I am now to take my leave of your lordships, and of this honourable house, perhaps for ever. I shall lay down my life with pleasure, in a cause favoured by my late dear royal mistress: and when I consider that I am to be judged by the justice, honour, and virtue of my peers, I shall acquiesce, and retire with great content. And, my lords, God's will be done.

SIR THOMAS HANMER,

(Member for Suffolk,)

Was born in 1676; he was chosen speaker of the house of commons in 1713, and died in 1746. He published an edition of Shakespeare. He was a very respectable speaker. The following address contains a sort of summary of the politics of the day, and gathers up the "threads of shrewd and politic design" that were snapped short at the end of the preceding reign.

The Speaker's Address to the Throne.

Most Gracious Sovereign,

Your majesty's most dutiful and loyal subjects, the knights, citizens, and burgesses, in parliament assembled,

have now finished the supplies granted to your majesty for the service of this present year. Your commons had much sooner offered these supplies to your majesty, had not their zeal for your majesty's service, and the duty they owe to their country, led them into inquiries which have drawn this session to an unusual length.

But your commons could not see without the utmost indignation, the glories of her late majesty's reign tarnished by a treacherous cessation of arms, the faith of treaties violated, that ancient probity for which the English nation had been justly renowned throughout all ages, exposed to scorn and contempt, and the trade of the kingdom given up by insidious and precarious treaties of commerce; whilst the people, amused with new worlds explored, were contented to see the most advantageous branches of their commerce in Europe lost or betrayed.

Such was the condition of this kingdom, when it pleased the divine providence to call your majesty to the throne of your ancestors; under whose auspicious reign your commons with pleasure behold the glories of the Plantagenets (your majesty's royal ancestors) revive, and have an unbounded prospect of the continuance of this happiness, even to the latest posterity, in a race of princes lineally descended from your majesty.

And that nothing might be wanting on the part of your commons to establish your majesty's throne on solid and lasting foundations, they have applied themselves with unwearied diligence to vindicate the honour of the British nation, and to restore a mutual confidence between this kingdom and its ancient and faithful allies, by detecting the authors of these pernicious councils, and the actors in these treacherous designs, in order to bring them to justice by the judgment of their peers, according to the law of the land and the usage of parliament.

It was not to be expected but that the enemies to the [illegible] peace would use their utmost endeavours to obstruct your commons in these inquiries; but despair-

ing of any success in the representative body of the kingdom, they fomented tumults among the dregs of the people at home, and spirited up the pretender to an invesion from abroad. This gave your faithful commons fresh opportunities of shewing their affection to your majesty's person, and their fidelity to your government, by their unanimous concurrence in granting such supplies as were sufficient to disappoint the one, and by their passing such laws as were necessary to suppress the other; and in every respect to express their abhorrence of a popish pretender, concerning whom nothing remains unsuspected, but his bigotry to superstition and his hatred to our holy religion; for the advancement of which your majesty has expressed your pious care, by recommending to your commons the providing maintenance for the ministers who are to officiate in the new churches. This your commons readily complied with, trusting that the prayers there offered to the Almighty will bring down a blessing on all your majesty's undertakings; and not doubting but that the doctrines there taught will be a means to secure the quiet of your kingdoms and the obedience of your people.

The revenue set apart for the uses of the civil government your commons found so much entangled with mortgages and anticipations, that what remained was far from being sufficient to support the honour and dignity of the crown. This, your commons took into serious consideration; and being truly sensible that on your majesty's greatness the happiness of your subjects entirely depends, they have put the civil revenues into the same state in which they were granted to your majesty's glorious predecessor king William, of immortal memory, and thereby enabled your majesty to make an ample provision for the prince of Wales, whose heroic virtues are the best security of your majesty's throne, as his other personal endowments are the joy of all your faithful subjects.

I should but ill discharge the trust reposed in me by

the commons, did I not lay before your majesty with what cheerfulness they received your majesty's gracious intentions for her royal highness the princess, and with how much readiness and unanimity they enabled your majesty to settle a revenue suitable to the dignity of a princess, whose piety and steady adherence to the protestant religion is the glory of the present age, and will be the admiration of all future generations.

SIR RICHARD STEELE,

Was born at Dublin, though the year in which he was born is not known, and died in 1729. He was member for Boroughbridge in Yorkshire. I have made the following extract less for the sake of the speech than the speaker; for I could not pass by the name of an author to whom we owe two of the most delightful books that ever were written, the Spectator and Tatler. As a party man, he was a most furious whig.

Mr. Speaker,

It is evident that new chosen annual parliaments were never the custom or right of this kingdom; it remains therefore only to consider now that there is a law which makes parliaments meet, as of course, at such a stated time, whether the period of three years has answered the purposes intended by it? The preamble to the triennial act expresses that it was introduced into the constitution for the better union and agreement of the king and his people; but it has had a quite contrary effect: and experience has verified what a great man (meaning the late earl of Sunderland) said of it when it was enacted: "That it had made a triennial king, a triennial ministry, a triennial alliance." We feel this in all occurrences of state; and they who look upon us from abroad, behold the struggle in which we are necessarily engaged from time to time under this law: ever since it has been enacted

the nation has been in a series of contentions. The first year of a triennial parliament has been spent in vindictive decisions, and animosities about the late elections; the second session has entered into business, but rather with a spirit of contradiction to what the prevailing set of men in former parliaments had brought to pass, than of a disinterested zeal for the common good. The third session languished in the pursuit of what little was intended to be done in the second, and the approach of an ensuing election terrified the members into a servile management, according as their respective principals were disposed towards the question before them in the house.

Thus the state of England has been like that of a vessel in distress at sea; the pilot and mariners have been wholly employed in keeping the ship from sinking; the art of navigation was useless, and they never pretended to make sail. It is objected, That the alteration proposed is a breach of trust: The trust, sir, reposed in us is that of the public good, the king, lords, and commons, are the parties who exercise this trust; and when the king, lords, and commons exercise this trust by the measure of the common good, they discharge themselves as well in the altering and repealing, as in the making or confirming laws. The period of time in this case is a subordinate consideration, and those gentlemen who are against the alteration, speak in too pompous a style when they tell us we are breaking into the constitution. It has been farther objected, that all this is only giving great power to the ministers, who may make an arbitrary use of it. The ministers are indeed like other men, from the infirmity of human nature, liable to be made worse by power and authority; but this act gives no addition to that authority itself, though it may possibly prolong the exercise of it in them. They are nevertheless responsible for their actions to a parliament, and the mode of enjoying their offices is exactly the same. Now when the thing is thus, and that the period of three years is found, from infallible experience, itself a period that can afford us no good, where shall we rest? The ills that

are to be done against single persons or communities, are done by surprise, and on a sudden; but good things are slow in their progress, and must wait occasion. Destruction is done with a blow, but reformation is brought about by leisurely advances. All the mischiefs which can be wrought under the septennial act, can be perpetrated under the triennial; but all the good which may be compassed under the septennial, cannot be hoped for under the triennial. We may fear that the ministers may do us harm; but that is no reason why we should continue them under a disability of doing us good. For these considerations I am unreservedly for the bill.

SIR THOMAS HANMER.*

If this speech does not contain good sound English sense, I do not know where we shall look for it.

His Speech on the Reduction of the Army.

Mr. Speaker,

I CANNOT forbear troubling you with a few words upon the subject, though I can neither flatter myself with the hopes of convincing any one, nor pretend to be able to offer any thing to your consideration which has not in a better manner been urged already. But I am truly concerned for the mischiefs which I think we are giving way to; and if I cannot prevent them, it will be a satisfaction to me at least to protest against them.

All gentlemen who have spoke in this debate, have for all their different opinions agreed in one thing, to press very much the argument of danger; and the only question is, on which side the danger lies; whether to the government without a military force to support it, or to the constitution and liberties of Great Britain, from that military force, if it be allowed to continue in it.

* See page 267.

As to the dangers which threaten the government, I think I am not willing to overlook them. But I hope we may be excused if we cannot be convinced of dangers which no man that I hear pretends to explain to us.

Abroad, the state and circumstances of Europe happen to be such, that I think it is hard to suppose a time possible when there shall be less appearance of apprehension of any immediate disturbance to this kingdom. The three great powers, those which are most considerable in themselves, and of nearest concern to us, I mean the Empire, France, and Holland, are so far from being at enmity with us, that they are all of them our fast friends and allies at least; we are told so, and hear very often a great deal of boasting upon that subject whenever the administration of the government is to be extolled, and the merits of it are to be set forth to us. Upon those occasions we hear of nothing but the wise and useful treaties which have been made; the great influence which we have acquired in foreign courts and councils, and the solid foundations which are laid for our security. But when in consequence of these great things we come to talk of reducing forces, then I observe the language is quite turned the other way; then we are in the weakest and most insecure condition imaginable; there is no dependence upon any thing, and we must even be thought disaffected to the government if we will not believe that we are surrounded on all sides with the greatest dangers.

But in the midst of these contrarieties and contradictions, I think we need not be at any loss what our conduct ought to be, if we will but have regard to those plain rules and maxims which have always been observed in the like cases with that which is now before us.

It would certainly be an endless thing for a house of commons to enter into the secrets of state, and to debate upon the different views and interests and intrigues of foreign courts; what jealousies are among them, and what treaties are on foot to reconcile them. If we take

such things into our consideration, to guide us in questions concerning our own guards and garrisons here at home, we shall be in a labyrinth indeed, and must be compelled at last to put an absolute trust in the government, because they only know the truth of such matters, and from them we must be content to receive whatsoever account they think fit to give us of them. But the only thing proper for us to look to is, what is plain and obvious to the sense of all mankind; I mean, whether it is a time of present peace. There need no refinements of politics to know that; and I will venture to say, that during such times of peace no remote fears, no arguments drawn from contingencies of what may be hereafter, have ever yet brought this nation into a concession so fatal to liberty as the keeping up of standing forces, when there is no other employment for them but to insult and oppress their fellow subjects. I say there has hitherto been no precedent of that kind, and the misfortune of this case is, there will need but one precedent in it; one wrong step taken in this particular may put an end to all your claims of rights and privileges.

And on the other hand, I beg it may not be taken for granted, that if we dismiss our soldiers we shall therefore leave ourselves naked and void of all protection against any sudden danger that may arise; no, sir, providence has give us the best protection, if we do not foolishly throw away the benefit of it. Our situation is our natural protection; our fleet is our protection; and if we could ever be so happy as to see it rightly pursued, a good agreement betwixt the king and people, uniting and acting together in one national interest, would be such a protection as none of our enemies would ever hope to break through. It is a melancholy thing to me to hear any other notions of government advanced here, and that his majesty, either from his private or his [illegible] could ever upon this subject have any [illegible] ciated in him but this great truth: That the true and only support of an English prince does, and ought to con

sist, in the affections of his people. It is that should strengthen his hands, it is that should give him credit and authority in the eyes of other nations; and to think of doing it by keeping a number of land forces here at home, such a number as can have any awe or influence over the great powers on the continent, is, I think, one of the wildest imaginations that ever entered into the heart of man. The only strength of this nation must always consist in the riches of it; riches must be the fruits of public liberty, and the people can neither acquire riches, nor the king have the use of them, but by a government founded in their inclinations and affections.

If this be true, then of consequence it follows, that whoever advises his majesty to aim at any additional security to himself, from a standing army, instead of increasing his strength does really diminish it, and undermine his true support, by robbing him of the hearts of his subjects. For this I take for granted, that as there are but two ways of governing, the one by force, and the other by the affections of the people governed, it is impossible for any prince to have them both; he must choose which of the two he will stick to, but he can have but one. If he is master of their affections, he stands in no need of force; and if he will make use of force, it is in vain for him to expect their affections. For it is not in nature, and it can never be brought to pass, that men can love a government under which they are loaded with heavy taxes, and pay a considerable part of their estates to maintain an army which insults them in the possession of the rest, and can turn them out of the whole whenever they please.

With submission, therefore, the argument is taken by the wrong end when it is said, there are great animosities in the kingdom; the people are disaffected; and upon that account there is a necessity of keeping up an army. It concludes much righter the other way; that is, dismiss your army, and give no other cause of suspicion that any part of the constitution is to be invaded, and

the people will be well affected. Upon any other foot than this, what minister would ever care whether he does right or wrong? It is not his concern whether the people are easy or uneasy; his army is his dependence: Nay, and the more by his wicked councils he exasperates and enrages the people, the stronger he makes his pretence for maintaining and increasing that army which supports him.

What I have said, I confess, goes upon a supposition that the numbers contained in the estimate, and in the question before you, do make an army formidable enough, and able to enslave this nation; of which indeed there remains no doubt with me. In the manner those forces are constituted, I think a prince who would wish to be arbitrary could desire no more; and if he had all the power in his own hands, I think for his own sake he would keep no more.

Of what nature the reductions have been, other gentlemen have so fully explained, and I believe it so generally understood, that it will be needless for me to dwell upon it; but the short of the case is this; that out of thirty-two thousand men, thirteen regiments only have been disbanded, which do not amount to more than five or six thousand, besides a few invalids, which were taken from the establishment of the army and put upon the establishment of the hospital; so that there are the corps now subsisting of more than twenty five thousand men, which corps may be filled up to their entire complement whensoever the government pleases, and that even without any noise or notice taken. For the case is very different in that respect, where the regiments are few, and those kept complete; there, if the number allowed by act of parliament are exceeded, it must be by raising new regiments, which is easily seen and known; but where the corps are kept up with only a few men in them, and some recruits will always be necessary for them, there, if the government is willing to be at the charge, they may keep the numbers up to what they

please, and it is impossible, to know when the parliamentary standard is exceeded, and when not. Thus therefore stands our account: In the first place the public is to pay eighteen thousand men; in the next place the number of effective men is to be sixteen thousand three hundred forty-seven, and if those are not sufficient to exercise dominion over us, yet in the manner they are kept together, they are equivalent to twenty-five thousand men; the charge is inconsiderably less, and the terror, which is the main thing, is not at all abated.

For the taking this dangerous step, the only justification I hear gentlemen offer for themselves, the only shelter they fly to, is the great confidence which is to be reposed in his majesty's just and gracious intentions. Of those I will entertain no doubt; I believe his majesty is too good to be suspected of any arbitrary designs. But yet there is a general suspicion which I will never be ashamed or afraid to own, because it is a suspicion interwoven in our constitution; it is a suspicion upon which our laws, our parliament, and every part of our government is founded: which is, that too much power lodged in the crown, abstracting from the person that wears it, will at some time or other be abused in the exercise of it, and can never long consist with the natural rights and liberties of mankind. And therefore, whatever opinions we have of his majesty's goodness, and how much soever he deserves them, we should still consider, that in this place we are under a distinct duty to our country; and by that duty we should be as incapable of giving up such an unwarrantable trust, as his majesty, I am persuaded, would be incapable of abusing it, if he had it in his hands. Those we represent will expect, and they ought to expect from us, that they should not only continue to enjoy what belongs to them as Englishmen, but that they should hold it still by the same tenure: their estates, their lives, and their liberties, they have hitherto possessed as their rights, and it would be a very great and sad change,

and such as shall never have my consent along with it, to make them only tenants at will for them.

MR. (afterwards SIR) ROBERT WALPOLE,

Was born at Houghton, in Norfolk, in 1674, and died in 1745. In 1700, he was chosen member of parliament for Lynn. In 1705, he was appointed secretary at war; and in 1709, treasurer of the navy; but, on the change of ministers, he was voted guilty of corruption, and expelled the house. The whig party strenuously supported him; and he was re-elected for Lynn, though the election was declared void. At the accession of George I. he was made paymaster of the forces; but two years after he resigned, and joined the opposition. Another change taking place in 1725, he took the lead in administration, being chosen first lord of the treasury, and chancellor of the exchequer. He maintained himself in this situation till 1742, when he resigned, and was created earl of Oxford, with a pension of 4,000*l.* a year.

Sir Robert Walpole

ENDEAVOURED to confute all that had been offered in favour of this bill:* he took notice, that among the Romans, the wisest people upon earth, the temple of fame was placed behind the temple of virtue, to denote that there was no coming to the former without going through the other; but that if this bill passed into a law, one of the most powerful incentives to virtue would be taken away, since there would be no coming to honour, but through the winding sheet of an old decrepit lord, and the grave of an extinct noble family; that it was matter of just surprise, that a bill of this nature should either have been projected, or at least promoted, by a gentleman who, not long ago, sate amongst them, (meaning lord Stanhope,) and who having got into the house of peers, would now shut up the door after him: that this bill would not only be a discouragement to

* Bill to limit the number of Peers.

virtue and merit, but also endanger our excellent constitution; for as there was a due balance between the three branches of the legislature, if any more weight were thrown into any one of those branches, it would destroy that balance, and consequently subvert the whole constitution: that the peers were already possessed of many valuable privileges, and to give them more power and authority, by limiting their number, would, in time, bring back the commons into the state of the servile dependency they were in when they wore the badges of the lords; that he could not but wonder, that the lords would send such a bill to the commons; for how could they expect that the commons would give their concurrence to so injurious a law, by which they and their posterities are to be excluded from the peerage? and how would the lords receive a bill by which it should be enacted, that a baron should not be made a viscount, nor a viscount be made an earl, and so on? That besides all this, that part of the bill which related to the peerage of Scotland, would be a manifest violation of the act of union, on the part of England, and a dishonourable breach of trust, in those who represented the Scots nobility; that such an infringement of the union would endanger the entire dissolution of it, by disgusting so great a number of the Scots peers as should be excluded from sitting in the British parliament; for as it was well known, that the revolution settlement stood upon the principle of a mutual compact, if we should first break the articles of union, it would be natural for the Scots to think themselves thereby freed from all allegiance; and as for what had been suggested, that the election of the sixteen Scots peers was no less expensive to the crown, than injurious to the peerage of Scotland; it might be answered, that the making twenty-five hereditary sitting Scots peers, would still increase the discontents of the electing peers, who thereby would be cut off from a valuable consideration, for not being chosen.

FRANCIS ATTERBURY,

(Bishop of Rochester,)

Was born in 1662. His eloquence brought him early into notice. His political principles were very violent, and engaged him in several controversies. He assisted Dr. Sacheverel in drawing up his defence. When the rebellion broke out in 1715, he and bishop Smalridge refused to sign the Declaration of the bishops; and in 1722 he was apprehended and committed to the Tower, on suspicion of being concerned in some plot to bring in the Pretender. He was sentenced to be banished for life, and left the kingdom in 1723. He died at Paris in 1732. He is now chiefly remembered as an elegant writer, and as the intimate friend of Pope and Swift. The following is the conclusion of his defence before the house of lords.

I SHALL now consider the improbability, as well as inconsistency of the charge brought against me without positive proof. You will allow me to answer the indictment in the same manner it is laid.

Is it probable, that if I were engaged in any such design, no footsteps should be seen of any correspondence I had with the late duke of Ormond, to whom, of all persons abroad, I was best known, and to whom I had the greatest regard, and still have all the regard that is consistent with my duty to my king and country?

Is it probable that I would chuse rather to engage in such a design with Mr Dillon, a military man I never saw, and with the earl of Mar, whom I never conversed with, except when he was secretary of state?

Did I not know, what all the world thinks, that he had left the pretender several years, and had a pension abroad? is this a season for me to enter into conferences with him about restoring the pretender? and to do this not by messages, but by letters, not sent by messengers,

but by the common post? That by thus writing to him by the post, I should advise him after the same manner to write to me; and by these means furnish opportunities towards detecting the persons and bringing myself into danger? How doth that consist with the caution and secrecy which are said to belong to me? Must not I have been rash to have laid myself open in such a manner? This is an inconsistent scheme, the other a bold assertion. Is it probable, when attending the sick bed of my wife, and expecting her death, not daily, but hourly, that I should enter into negotiations of this kind?

There was no need of despatching any of those three letters, merely to excuse my not writing; the circumstances of my family had been a sufficient apology, and more effectual.

Is it probable, that when I was carrying on public buildings of various kinds at Westminster, and Bromley, consulting all the books from the Wesminster Foundation, engaging in a correspondence with learned men, about settling an important point of divinity, at that very time I should be carrying on a conspiracy? Those that entertain such thoughts without reason, may also condemn me without argument.

Is it probable, that I should meet and consult, in order to carry on and forward this correspondence, with no body, and no where?

That I, who always lived at home, and except at dinner time never stirred out of my chamber, received all persons that visited me, and was denied to none, should have an opportunity to be so engaged? And if I had, that none of my domestics and friends should ever observe any appearance of any such thing? No evidence among my papers, though they were all seized at both my houses, and confining all my servants but one, for about ten or eleven weeks, searching him twice in the tower, and searching myself, nothing of consequence appears, nor is there any one living witness that charges me with any thing that is really true.

Is it probable that I should form and direct a conspiracy, and carry it on with any success, that am not used to arms, which I am no more acquainted with, than with the persons employed on those occasions? My way of life hath not led me to converse with such men and such matters, except on the occasion of meeting in parliament; but in a council of war I never was. Have I yet in any instance of my life meddled remarkably out of my own sphere, in affairs foreign to my business or character? I might have been thought to have been too active in my proper station and business; but I was never charged with war, nor any ways informed in the art of it.

Is it proper, that persons concerned in such military scheme, (if any such be formed by men of the sword that apply to such business) should be punished without any proof?

And must I, whose way of life is set at the greatest distance from such persons, and from the very suspicion of being concerned with them, suffer all the pains and penalties, short of death, which the parliament can inflict for a supposed I know not what, and what I don't to this day apprehend?

Here is a plot of a year or two standing, to subvert the government with an armed force; and invasion from abroad; an insurrection at home; just when ripe for execution it is discovered; and twelve months after the contrivance of this scheme, no consultation appears, no men corresponding together, no provision of money, arms, or officers—not a man in arms—and yet the poor bishop hath done all this.

Layer and Plunket carry on a treasonable correspondence, they go to Rome and receive directions from the pretender himself, to promote his cause—it doth no where appear that the bishop has the least share in, or is any way privy to, their practices; and yet the bishop has done all; he is *principally concerned in forming, directing, and carrying on this detestable conspiracy.*

What could tempt me to step thus out of my way? Was it ambition and a desire of climbing into a higher station in the church? There is not a man in my office farther removed from this than I am; I have a hundred times said, and sincerely resolved, I would have been nothing more than I was, at a time when I little thought of being any thing lower, and I can give an instance of this kind if I thought proper.

Was money my aim? I always despised it, too much perhaps, considering what occasion I am now like to have for it; for out of a poor bishoprick of five hundred pounds per annum, I have laid out no less than two thousand pounds towards the repairs of the church and episcopal palace; nor did I take one shilling for dilapidations; and the rest of my little income has been spent as is necessary, as I am a bishop. Nor do I repent of these expences now, (though since my long confinement I have not received the least part of the income of my deanery) not doubting in the least, but that God who hath liberally provided for me hitherto, will still do it; and on this good providence I securely rely.

Was I influenced by any dislike of the established religion, and secretly inclined towards a church of greater pomp and power? I have my lords, ever since I knew what popery was, opposed it, and the better I knew it, the more I disliked it.

I begun my study in divinity, when the popish controversy grew hot about that immortal book of Tillotson's, when he undertook the defence of the protestant cause in general, and as such I esteemed him above all.

You will pardon me, my lords, if I mention one thing: Thirty years ago I writ in defence of Martin Luther, and have preached and writ to that purpose from my infancy; and whatever happens to me, I will suffer any thing, and will, by God's grace, burn at the stake, rather than to depart from any material point of the protestant religion, as professed in the church of England.

Once more: Can I be supposed to favour arbitrary power? The whole tenor of my life hath been otherwise: I was always a friend of the liberty of the subject, and, to the best of my power constantly maintained it: I may have been thought mistaken in the measures I took to support it.

It matters not by what party I was called, so my actions are uniform.

To return to the point: The charge brought against me, in the manner it is brought, is improbable: If I could be guilty of it, I must have acted under a spirit of infatuation; yet I have never been thought an ideot or a madman.

My lords, as to the pains and penalties contained in this bill, they are great and grievous, beyond example in their nature and direction.

I am here, my lords, and have been here expecting an immediate trial. I have, my lords, declined no impeachment. The correspondence with the earl of Clarendon was made treason, but with me it is only felony; yet he was allowed the conversation of his children, by the express word of the act; mine are not so much as to write, so much as to be sent to me.

What is most particular in my case I will repeat distinctly, that my reverend brethren may hear it. I am rendered incapable of using or exercising any office, function, authority, or power ecclesiastical, not only in his majesty's dominions, but any where else: Very hard! that such spiritual power as is not derived from men, but God himself, should be taken from me.

And I am not only deprived of all offices, dignities, and benefices ecclesiastical, and for ever banished the realm, but likewise precluded from the benefit of royal clemency, and made utterly incapable of any pardon by his majesty, his heirs and successors.

My lords, I insist on my innocence, that I am not guilty; and if I am not proved so, your lordships will

thus judge; if otherwise, I persuade myself I shall find some degree of mercy.

You will not strip a man of his substance, and then send him where he cannot subsist; you will not send him among strangers, and then hinder others from performing humanity to him; you will not give him less time to order his affairs and depart the kingdom, than the bill hath taken in passing through both houses.

The great man I last mentioned, carried a great fortune with him into foreign parts, and had the languages; was well acquainted abroad; the reverse of all this is my case; I indeed am like him in nothing but his innocence, and his punishment. It is in no man's power to make us differ in the one, but it is in your lordships' power to make us differ widely in the other, and I hope your lordships will do it.

But to sum up the argument: It hath been frequently observed, that the higher the crimes are, the fuller the proofs ought to be. Here is a charge of high treason brought against me, with no evidence at all.

My lords, pardon me, what is not evidence at law, can never be made so by any power on earth; for the law that required the evidence, is as much the law of the land, as that which declares the crime.

It is equally unjust to declare any proof legal, because of my prosecution: As extraordinary would it be, to declare acts themselves, *ex post facto*.

Never was there a charge of so high a nature, and so weakly proved.

A person dead, so that there is not an opportunity to falsify him by contradicting him; a charge not supported by one evidence, nor by one proof of any thing, that hath been writ or received by me, nor even by any one criminal word proved to have been spoken by me; but by intercepted letters and correspondence, in which appears not the least certainty,

Some of those letters, shown to persons, with a design to fasten something on them; others writ in cypher

and fictitious names, throwing out dark and abstruse hints of what persons went by those names, sometimes true and sometimes doubtful, and often false, who continue all the while strangers to the whole transaction, and never make the discovery, till they feel and find it advancing itself towards them: My lords, this is my case in short.

I have a hard task to prove my innocence: Shall I stand convicted before your lordships on such an evidence as this? The hearsay of an hearsay; a party dead, and that denied what he said; by strange and obscure passages, and fictitious names in letters; by the conjecture of decypherers, without any opportunity given me of examining and looking into the decyphering; by the depositions of post office clerks about the similitude of hands; their depositions made at distant times, and without comparing any one of the originals, and by a strange interpretation of them: for nothing more, I am persuaded, can be made of the arguments, than what is called the intercepted correspondence.

Shall I, my lords, be deprived of all that is dear to me, and, in the circumstances I am in, scarce able to bear up, and by such an evidence as would not be admitted in any other cause or any other court; and would hardly affect a Jew in the inquisition of Spain?

And shall it be received against a bishop of this church, and a member of this house? God forbid. Give me leave to make mention of a text in holy writ: "Against an elder receive not an accusation, but before two or three witnesses." It is not said, condemn him not upon an accusation, &c. but, receive it not; I am something more than an elder; and shall an accusation against me be countenanced, without any one instance of a proof to support it.

This is not directly matter of ecclesiastical constitution: there you read, one witness should not rise up against an elder; but here, at the mouth of two witnesses, or three witnesses, shall the matter be estab-

lished. And as this rule was translated in the state of the church, people always thought fit to follow it.

Shall I be the first bishop in this church condemned upon conjecture, on fictitious names and obscure passages in letters, instead of two or three witnesses?

Will not others endeavour to make the same precedent, and desire the same influence of it to succeeding ages, and even concur in such an act, in order to render me incapable of using or exercising any power or authority, &c.? Is this good divinity, or good policy?

As to the justice of the legislature, in some respects it hath a greater power than the sovereign legislature of the universe; for he can do nothing unjust. But though there are no limits to be set to a parliament, yet they are generally thought to restrain themselves, to guide their proceedings in criminal cases, according to the known law.

The parliament may order a criminal to be tortured; who can say they cannot? but they never did, nor never will, I hope, because torture, though used in other countries, is not known here.

Is it not torturing to inflict pains and penalties on persons not suspected of guilt, nor plainly proved guilty? It is not much unlike it. The parliament may, if they please, as well upon a bill of perpetual imprisonment, as upon a bill of perpetual exile, reserve to the crown a power to determine the one as well as the other. They have so enacted it in the one case, but they have not enacted it in the other. The law knows nothing of such absolute perpetual imprisonments.

The law may, in like manner, condemn a man on a charge of accumulated and constructive treason. They did so in the case of the great lord Strafford, and that by accumulated and constructive proof of such treason; that is, by such proofs so well interpreted, as plainly to communicate light and strength to each other, and so to have all the force, without the formality of evidence. Was such proof ever admitted by any one to deprive his fel-

low subject of his fortune, of his estate, his friends, and country, and send him in his old age without language or hope, with employment to get the necessaries of life, to starve? I say again, God forbid.

My ruin is not of that moment to any number of men, to make it worth their while to violate, or even seem to violate the constitution, in any degree, which they ought to preserve against any attempts whatsoever.

But where once such extraordinary steps as these are taken, and we depart from the fixed rules and forms of justice, and try untrodden paths, no man knows where this shall stop.

Though I am worthy of no regard, though whatsoever is done to me may, for that reason, be looked upon to be just, yet your lordships will have some regard to your own lasting interest, and that of posterity.

This is a proceeding with which the constitution is not acquainted, which, under the pretence of supporting it, will at last effectually destroy it.

For God's sake, lay aside these extraordinary proceedings; set not up these new and dangerous precedents; I, for my part, will voluntarily and chearfully go into perpetual banishment; and please myself that I am, in some measure, the occasion of putting a stop to such precedents, and doing some good to my country, and will live, wherever I am, praying for its prosperity; and in the words of father Paul to the state of Venice, say, *esto perpetua*: It is not my departing from it I am concerned for; let me depart, and let my country be fixed upon the immoveable foundation of law and justice, and stand for ever.

I have, my lords, taken up much of your lordships' time; yet I must beg your attention a little longer.

Some part of my charge hath been disproved by direct and full evidence, particularly that of writing the letters of the 20th of April, or that I knew who wrote them, which I utterly deny that I ever did or as yet do know. Other parts of the charge there are, which are not ca-

p ble of such disproof, nor indeed require it; there I rest. But, my lords, there is a way allowed of vindicating myself; it is generally negative; that is, by protesting and declaring my innocence to your lordships, in the most deliberate, serious, and solemn manner: and appealing to God, the searcher of hearts as to the truth of what I say, as I do in what follows: I am charged in the report with directing a correspondence to Mr. Kelly; but I solemnly deny that I ever, directly, or indirectly saw a single line of any of their letters until I met with them in print: nor was the contents of any of them communicated to me. I do, in the next place, deny that I was ever privy to any memorial to be drawn up to be delivered to the regent. Nor was I ever acquainted with any attempt to be made on the king's going to Hanover, or at the time of the election. Nor did I hear the least rumour of the plot to take place after the breaking up of the camp, until some time after Mr. Layer's commitment. I do with the same solemnity declare, that I never collected, remitted, received, or asked any money of any man, to facilitate these designs; nor was I ever acquainted with, or had any remittances whatsoever from, any of those persons. I never drew up any declaration, minutes, or paper, in the name of the pretender, as is expressly charged upon me And that I never knew of any commission issued, preparation of arms, officers, or soldiers, or the methods taken to procure any, in order to raise an insurrection in these kingdoms. All this I declare to be true, and will so declare to the last gasp of my breath.

And I am sure, the farther your lordships examine into this affair, the more you will be convinced of my innocency. These contain all the capital articles of which I am accused, in the report of the house of commons.

Had the charge been as fully proved as ascertained, it had been vain to make protestations of my innocence, though never so solemn.

But as the charge is only supported by the slightest probabilities, and which cannot be disproved in any instance, without proving a negative; allow the solemn asseverations of a man in behalf of his own innocence to have their due weight; and I ask no more, than that they may have as much influence with your lordships as they have truth.'

If on any account there shall still be thought by your lordships to be any seeming strength in the proofs against me: If by your lordships' judgments, springing from unknown motives, I shall be thought to be guilty: If for any reasons, or necessity of state, of the wisdom and justice of which I am no competent judge; your lordships shall proceed to pass this bill against me: God's will be done: Naked came I out of my mother's womb, and naked shall I return; and whether he gives or takes away, blessed be the name of the Lord.

ALLEN (afterwards LORD) BATHURST,

(The Son of Sir Benjamin Bathurst,)

Was born in 1684, and educated at Oxford. In 1705 he was chosen member for Cirencester in Gloucestershire. He joined the tory party, and was one of the opposers of Walpole's administration. He was created a peer in 1711. He died in 1775, aged 91. He lived on terms of the greatest intimacy with Swift, Pope, and other literary men. He was one of the ablest supporters of the house of lords; and I think, that at the time when most of his speeches were made, the house of lords contained more excellent speakers, and divided the palm of eloquence more equally with the house of commons, than at any other period. One reason why it is morally impossible that the house of peers should ever be able to rival the house of commons in the display of splendid talents, is, that all questions of importance are first debated on in the house of commons. Even if the members of the upper house had any thing of their own to say, the words are fairly taken out of their mouths.

Lord Bathurst's Speech in defence of the Bishop of Rochester.

Who took notice of the ungracious distinctions that were fixed on the members of that assembly, who differed in opinion from those who happened to have the majority: that for his part, as he had nothing in view but truth and justice, the good of his country, the honour of that house, and the discharge of his own conscience, he would freely speak his thoughts, notwithstanding all discouragements; that he would not complain of the sinister arts that had been used of late to render some persons obnoxious, and under pretence of their being so, to open their letters about their minutest domestic affairs; for these small grievances he could easily bear; but when he saw things go so far, as to condemn a person of the highest dignity in the church, in such an unprecedented manner, and without any legal evidence, he thought it his duty to oppose a proceeding so unjust and unwarrantable in itself, and so dangerous and dismal in its consequences. To this purpose he begged leave to tell their lordships a story he had from several officers of undoubted credit, that served in Flanders in the late war. "A Frenchman, it seems, had invented a machine, which would not only kill more men at once than any yet in use, but also disable for ever any man that should be wounded by it. Big with hopes of a reward, he applied to one of the ministers, who laid his project before the late French king; but that monarch, considering that so destructive an engine might soon be turned against his own men, did not think proper to encourage it; whereupon the inventor came over to England, and offered his services to some of our generals, who likewise rejected the proposal with indignation." The use and application of this story, added his lordship, is very obvious: for if this way of proceeding be admitted, it will certainly prove a very dangerous engine; no man's life, liberty, or property,

will be safe; and if those who were in the administration some years ago, and who had as great a share in the affections of the people as any that came after them, had made use of such a political machine, some of those noble persons, who now appear so zealous promoters of this bill, would not be in a capacity to serve his majesty at this time. His lordship added, that if such extraordinary proceedings went on, he saw nothing remaining for him and others to do, but to retire to their country houses, and there, if possible, quietly enjoy their estates, within their own families; since the least correspondence, the least intercepted letter, might be made criminal. To this purpose his lordship quoted a passage out of cardinal de Retz's memoirs, relating to that wicked politician, cardinal Mazarin, who boasted, "That if he had but two lines of any man's writing, with a few circumstances attested by witnesses, he could cut off his head when he pleased." His lordship also shrewdly animadverted on the majority of the venerable bench; towards which turning himself, he said, he could hardly account for the inveterate hatred and malice, some persons bore the learned and ingenious bishop of Rochester, unless it was that they were intoxicated with the infatuation of some of the wild Indians, who fondly believe they inherit not only the spoils, but even the abilities of any great enemy they kill.

PHILIP, DUKE OF WHARTON,

Was born about 1699. He first attached himself to the Pretender, when he was abroad and quite a young man. He then returned home and made his peace with government. After this he became a violent oppositionist; and having at length reduced his fortune by his extravagance, he went abroad again, where he once more attached himself to the Pretender, and died 1731. He is represented as a man of talents by Pope, who has given him a niche in one of his satires.

The Duke of Wharton's Speech on the Mutiny Bill.

THOUGH he was sensible whatever he could offer would have but little weight, nevertheless, as the matter under debate was of the last importance, and highly concerned the fundamental constitution, he thought it incumbent upon him, as a member of that august assembly, to deliver his opinion; hoping, that any mistake he might commit would be excused upon account of his want of experience: That he wondered the noble peer who spoke last should suggest, that without the additional troops raised last year, a body of 5000 men could not be drawn together; that he might easily be contradicted, since, before the raising of those troops, we had seen near the capital of the kingdom, a camp of between 3 and 4000 men, consisting only of the king's guards, which was sufficient to secure the government against any sudden attempt: That he thought it no less strange, that in an affair of so great importance, and in the supreme council of the realm, any mention should be made of the opinion of enemies; that by this, he supposed were meant the abstracts of some intercepted letters, and anonymous intelligence, that were printed last year; on which he thought no stress ought to be laid, but rather be looked upon as the empty imaginations of disaffected persons, who through the natural propensity of all men to believe what they wish for, easily deceive themselves, and fondly entertain with vain hopes, those they endeavour to engage in their cause: That considering the present great tranquillity at home, and the happy situation of affairs abroad, there seemed to be no occasion for keeping up so great a number of forces: That by his majesty's councils, and powerful influence, a general peace was established in Europe, which, in all appearance, would last many years: That some accidents which, it was feared, might have disturbed it, had had contrary effects: That the death of

the regent had made no alteration in France, for things did run there in the same channel, and the duke of Bourbon, who had succeeded the late duke of Orleans in the administration of affairs, seemed resolved to cultivate the friendship and good intelligence his predecessor had established between the two crowns: That, in relation to Spain, king Philip's abdication would prove advantageous to the peace of Europe, because the Italian faction, and ministry, which espoused the pretender's cause, were thereby laid aside: and as for the emperor, he hoped they had nothing to fear from him, unless he would quarrel with us, for our kindness and good-nature to him, in suffering him to establish an East-India company at Ostend, to the prejudice of our own company. But nevertheless, he hoped a good correspondence would still be maintained between the two courts: That thus there was nothing to be feared abroad, and still less at home: That the noble lord who spoke before him, had run over a great part of our English history, and had endeavoured to shew the difference between the ancient Gothic government, and our modern constitution: That he would not follow him close through his long account of bows, archers, and fire-arms, but would content himself with taking notice, that according to that noble peer, the power of the militia was anciently, and still remained in the crown; but that it was observable, that in some former reigns, regular troops supplied the place of the militia; and in others, funds were provided to discipline the militia, and render them useful, in order to supply the want of regular troops: But at this time, when the crown is possessed of as much power over the militia as ever, if so great a number of regular forces be allowed to be kept up, the fundamental constitution will be entirely overturned, since thereby an additional strength is given to the crown, without any equivalent to secure the rights and liberties of the subject: That our ancestors having ever judged the militia sufficient to secure the government,

we ought not to deviate from that wise institution without evident necessity: That the militia are not so useless, nor so much to be despised, as some would pretend, since they did notable service during the last rebellion, even in some counties the most disaffected to the present settlement; and, if care was taken to discipline them well, he did not doubt but they might be made more useful: That the expense of raising and exercising the militia might be greater than of regular forces, but that as the danger to our liberties would be much less from the militia, so would the expence be more easily borne by the people: That, in justice to the officers of the army, he would readily acknowledge, that many of them had appeared zealous defenders of the liberties of their country, and had laid the foundation of our present happiness, by refusing to concur in the designs of the late king James II. But that he had heard wise men say, that if that prince had turned out the old officers he could not trust, and made new ones from among the common soldiers, king William would not easily have brought about his enterprise; at least there would have been more blood shed: That after all, standing armies are inconsistent with a free government: and that hereafter an ambitious prince, and ill designing ministers, might make use of them to invade our liberties: That the single instance of Oliver Cromwell, who came to the house of commons and turned out with open force the very men from whom he had his authority, was an example which they ought ever to have before their eyes: That though they had nothing to fear under his majesty's auspicious reign, or from the illustrious princes of his royal family; yet it cannot be expected that the throne shall always be filled by such princes: That besides, we are not so happy as to have the king always amongst us; that at least once every two years his majesty goes over to his dominions abroad; that for his part, he was so far from finding fault with it, that he rather thought it for our advantage, because he could from thence have a

nearer prospect of the affairs of Europe, and watch for our security; but that, on the other hand, if it should happen, that during the absence of his majesty the absolute command of the army shall be delegated to one single person, our liberties and properties might be in great danger, because such an authority is equal to that of a stadtholder in Holland: That he was both surprised and sorry to see that a lord, who had so great a share in the administration, should in so solemn and important a debate, fetch arguments from Exchange-Alley, and thereby put our most essential concerns in competition with those of a few stock-jobbers: That nothing, in his opinion, could more effectually keep up and advance public credit, than the confidence his majesty would seem to repose in the affections of the people by disbanding part of the army; and that the same would have the like good effect with foreign princes: whereas, if the court seemed to think so great a number of troops necessary in time of peace, it visibly implied a distrust of the affections of the people, which might increase the disaffection at home, and lessen his majesty's credit and interest abroad.

GEORGE II.

(Son of George I.)

Was born in 1683. He succeeded his father in 1727, and died 1760

King George the Second's Address to both Houses.

My Lords and Gentlemen,

I AM persuaded that you all share with me in my grief and affliction for the death of my late royal father, which as it brings upon me the immediate care and

weight of the government, adds very much to my concern, lest I should not be as successful in my endeavours, as I am, above all things, desirous to make you a great and happy people.

I heartily wish that this first solemn declaration of my mind in parliament, could sufficiently express the sentiments of my heart, and give you a perfect and just sense of my fixed resolution, by all possible means, to merit the love and affection of my people, which I shall always look upon as the best support and security of my crown.

And as the religion, liberty, property, and a due execution of the laws, are the most valuable blessings of a free people, and the peculiar privileges of this nation, it shall be my constant care to preserve the constitution of this kingdom, as it is now happily established in church and state, inviolable in all its parts; and to secure to all my subjects the full enjoyment of their religious and civil rights.

I see with great pleasure, the happy effects of that vigour and resolution which was exerted in the last session of parliament for the defence of the rights and possessions of this nation, and for maintaining the tranquillity and balance of power in Europe. The strict union and harmony, which has hitherto subsisted among the allies of the treaty of Hanover, has chiefly contributed to the near prospect of a general peace; I have therefore given all my allies the strongest assurances of pursuing the same measures, and of making good the engagements entered into by the crown of Great Britain.

The cheerfulness with which the supplies necessary for carrying on this great work were raised, making it but just that the public expense should be lessened, as soon as the circumstances of affairs will permit. I have already given orders for sending back some of the regiments brought from Ireland, and will proceed to reduce my forces, both by sea and land, as soon as it can be done,

without prejudice to the common cause, and consistently with the interest of my kingdom.

Gentlemen of the house of commons, You know very well, that the grant of the greatest part of the civil list revenues is now determined, and that it is necessary for you to make a new provision for the support of me and my family; I am confident it is needless, in any particular manner, to recommend to your care the consideration of what so nearly and personally concerns me; and I am persuaded that the experience of past times, and a due regard to the honour and dignity of the crown, will prevail upon you to give me this first proof of your zeal and affection, in a manner answerable to the necessities of my government.

My lords and gentlemen, I recommend it to you to give all possible despatch to such business as shall necessarily be brought before you; the season of the year and the circumstances of time requiring your presence in the country, and making it improper to carry this session to any great length.

MR. SHIPPEN.

Was member for Saltash. He was one of the most vehement and vigorous opposers of the measures of government through the whole of this reign; and, no doubt, had imbibed a very strong tincture of Jacobitism. But he was a man of great firmness and independence of mind, a manly, vigorous, and correct speaker; and whatever his personal motives or sentiments might have been, the principles which he uniformly avowed and maintained, were sound and constitutional

Mr. Shippen's Speech on the Address.

Mr. Speaker,

I RISE not only to offer my sentiments against the terms of the address proposed, but likewise to make a mo-

tion. It has, sir, upon such an occasion, been the ancient custom of this house, to present an address of thanks to his majesty, for his most gracious speech from the throne; but such addresses were in former days always in general terms: there were in them no flattering paragraphs, no long compliments made to the throne, for transactions and successes which had never been laid before the house, and of which, by a necessary consequence, the house must have been supposed to have been entirely ignorant. It is true, sir, we have of late years fallen into a custom of complimenting the throne, upon every such occasion, with long addresses, and this custom has been followed so long, that I am afraid it may at last become a thing of course to vote an address to his majesty, in such terms as shall be concerted by those very men whose measures are approved of by the compliment made to the throne. I confess, sir, that I am so little of a courtier, that I cannot return thanks for what I know nothing of, nor can I applaud before I know a reason for such applause. I am not at all against an address of thanks in the usual style; but though I should happen to be single and alone in my opposition, which I hope I shall not, yet I am resolved to oppose addressing in the terms moved for, if it were for no other reason but this—that such a motion may not stand upon the journals of this house, as agreed to *nem. con.* For if not taken notice of in time, such humble addresses to the throne may at last come to pass as a matter of course, and be as little regarded or opposed as some affairs now are, which at first stood a long contest before they could be introduced.

Sir, it is no new thing in me to oppose such addresses; I have always opposed them; and though I do not thereby appear to be a good courtier, yet it shews that I have some respect for the honour and dignity of this house. Besides, sir, when such addresses have been proposed, it has been promised, and we have been as-

sured that no advantage should afterwards be taken of any words contained in the complimentary part of such address; but every member in this house knows, that when the house had an opportunity of examining things more particularly, and debates ensued thereupon, they have then been told that they could not censure any of the past transactions, because they had approved of them all by their address of thanks to his majesty for his most gracious speech from the throne. I hope, sir, for the sake of my country, that all things are well, that our affairs, both abroad and at home, are in that prosperous condition in which they have been represented to us; but as we cannot as yet judge from the effects, and as the treaties from which this great prosperity and lasting tranquillity is to arise have not yet been laid before us, I cannot but look upon it as an anticipation of the resolutions of this house, to thank his majesty for those treaties which we have not as yet had an opportunity either to peruse or consider; and therefore I move, that the first part only of the motion already made should stand, and that all the other complimentary paragraphs should be left out.

SIR W. WYNDHAM,

(Member for Somersetshire.)

Was born 1687. In 1710 he was made secretary at war, and in 1713 chancellor of the exchequer. He was dismissed from his place on the accession of George I. and being suspected to have had a concern in the rebellion in 1715, was committed to the Tower, but liberated without being brought to a trial. He died 17[illegible]. It was to him that Lord Bolingbroke addressed that celebrated letter in defence of himself, which is the best of all his works.

Sir W. Wyndham's Speech on the same occasion.

Mr. Speaker,

I CANNOT agree to the terms for addressing his majesty proposed by the noble member who spoke first, because,

though every thing may now be well settled upon a solid and lasting foundation, yet I cannot think that our conduct has in every respect been right, or that the interest of this nation has been by his majesty's ministers principally and steadily pursued. At one time we were frightened out of our wits with apprehensions that the pretender was to be put upon us, and that without any reason for all that I have yet seen or heard upon the subject. Then Don Carlos was made such a giant of, that he, that infant, was to swallow up and destroy all the powers of Europe; and at that time we sued to France for an alliance, and besought their assistance, by which we put it in their power to commence a war whenever they pleased; and if they had not been more taken up with whims and disputes about religion than any wise nation ought to be, they would certainly have involved us in a war in conjunction with them, and thereby would have made us assist them in recovering all that they had lost by the two last wars, the taking of which from them had cost us so much blood and treasure. Some time after, we shook off all fears of the pretender, Don Carlos was again diminished to an ordinary size, and then we began to bully France as much as we had courted it before. Such conduct cannot appear to me to be right; at least, it does not appear to be steady and uniform. Upon the other hand, it must be said of the imperial court, that they have acted with steadiness and prudence; they have firmly adhered to the proper interests of their native country, and have steadily pursued the aim they had in view, through all the different shapes in which the affairs of Europe have been put within these few years; and by this firmness and resolution they have at last brought us to their own terms, and have accomplished their designs, notwithstanding the conjunction and alliance of so many formidable powers against them; whereas we have been obliged, in some manner to comply with the demands

of almost every power we have treated with; and if by such means we have at last got off upon any tolerable conditions, it must be said, that we have been like a man in a room who wants to get out, and though the door be open, and a clear way to it, yet he stalks round the room, breaks his shins over a stool, tumbles over a chair, and at last rumbling over every thing in his way, by chance finds the door and gets out, after abundance of needless trouble and unnecessary danger.

LORD FALMOUTH.

His Speech on the Pension Bill.

My Lords,

The bill now before us bears a very specious title or preamble; from the first view thereof one would be apt to conclude, that something very beneficial for this nation were intended; but upon a more serious perusal, we find, that at bottom there is really nothing intended, that can in the least contribute to the public good. We all know, my lords, how some motions come to be made, and how some bills come to be brought into the other house. Such bills as this now before us, are often brought in by would-be ministers; that is, by gentlemen who affect popularity, and set themselves up as protectors of the liberties of the people, and under that pretence encourage and promote faction and discontent, in order thereby to raise themselves to be the chief men in the administration of the public affairs of the nation. I shall always be ready to join in reasonable measures for insuring the liberties and privileges of the people; and if any attempts were making against them, I should be as ready as any man to concert measures for shortening the arm of the crown: but, my lords, when I find

that no attempts are made by the crown against the liberties of the people; when I find that the popular cries of liberty are raised and spirited up only by the factious and the discontented, I shall never be for diminishing the power of the crown, especially when I see that it has but just enough to support itself against the factious and the disaffected. I remember, my lords, that a noble lord put the question last session of parliament, when this very affair was before the house, How the pretender would desire one to vote in the case then before us? If the same question were now again to be put, I believe the proper answer would be, That he would desire us to vote for the bill now before us. I do not doubt, but that he would be for diminishing his majesty's power of rewarding those who should happen to merit well of their country, by a zealous and hearty opposition to him and his faction. I hope, my lords, that there will always be men of honour and integrity enough in this country to defend us against that faction, or any faction, without the hopes or expectation of a reward; but if it should be found necessary for our defence, to give rewards to many of those who assisted in the protecting of the government against faction, I would rather chuse that the government should have it in its power to give rewards to those that contributed to the preserving of us, than that the factious should have it in their power to give rewards to those that assisted them in the destroying of us. The methods proposed by the bill now before us, are so far from being proper methods for preventing bribery and corruption, that I am afraid they will give such an encouragement to faction, as may lead us into confusion; and therefore I shall be for rejecting the bill. As this bill is the very same with that which was refused by your lordships the last session of parliament, I am convinced that the same reasons which prevailed against it last session will now likewise prevail against it; for my own part at least, I am sure, that there is not since happened, that can afford me the least reason for being of a different opinion.

EARL OF STRAFFORD.

I can find no particular account of the author of this speech, though I suppose he was a descendant of the great lord Strafford. A noble line seldom furnishes more than one great name. The succeeding branches seldom add any thing to the illustriousness of the stock, and are so far from keeping up the name, that they are lost in it. However I do not discover any marks of degeneracy in the present instance; one may trace a sort of family likeness in the sentiments; the pedigree of the mind seems to have been well kept up. There is a nobility of soul as well as of blood; and the feelings of humanity so closely and beautifully expressed in the conclusion of this speech, are such as we should expect from the cultivated descendant of "a man of honour and a cavalier."

The Earl of Strafford's Speech on the Mutiny Bill.

My Lords,

It is certainly very necessary for us upon occasion of this bill, to take the army under our consideration, and to determine what number of troops ought to be kept up; because, my lords, this is the only opportunity we can have of reducing the number allowed of, in case we happen to think it too great; and in case this bill goes the length of a committee, I shall then take the liberty to declare my sentiments upon that head. But, my lords, I now rise up to declare, that I am entirely against this bill or any mutiny bill; because I always looked upon it, as setting up a constitution within a constitution; or rather, indeed, it is the turning of our civil government into a military government. This, 'tis true, my lords, we may do by a law, and that law when passed will be a part of our constitution; yet I hope it will not be said, that such an extraordinary law would make no alteration in our constitution. I cannot be of opinion, that the keeping up of any regular troops in this kingdom is ab-

solutely necessary; but granting that it were, I am certain, that in order to keep such troops under proper discipline, it is not absolutely necessary to have a law against mutiny and desertion. I had, my lords, the honour to command a regiment of dragoons in the reign of king William, which was given to me at the time of the siege of Namur; and I very well remember, that there was not at that time in England any such law, as what is now by this bill to be enacted. We had then no such thing as mutiny bills yearly brought in, nor any such bill passed into a law, and yet in those days, we found means to keep our regiments in good order enough; and I believe there was as exact discipline observed in the regiments then quartered in England, as has been observed at any time since. If any of the soldiers committed any crime, they were sure to be punished; but then they were punished according to the ancient laws of the kingdom. The officers took care to deliver them up to the civil power, and to see them convicted and punished as severely as the laws of their country would admit of; which we always found was sufficient for keeping the men in good order, and for making them observe the most exact discipline.

If I were to enter into a particular examination of this bill, I could make strong objections against several clauses thereof; I shall only mention that of desertion: how unnecessary, how cruel is it, now in time of peace, to punish that crime with death! In the time of war, such a severe punishment was necessary; it was then just to punish it with death, because the deserters were generally at the same time guilty of the most heinous treachery; they generally ran in to the enemy, and turned those arms against their country, which their country had put into their hands for its defence. But now in time of peace, desertion has nothing in it of such a heinous nature; if a poor fellow deserts, he runs but from one of our own regiments to another; and the cruel treatment he meets with from some of the officers,

may often afford him an excuse, if his case be examined by men of humanity and candour. How many poor country-fellows, either out of a frolic, or because they have been disobliged or slighted by their mistress, go and list themselves for soldiers! When such a fellow begins to cool, he perhaps repents of what he has done, and deserts without any other view or design but that of returning home, and following some industrious and laborious way of living in his own country. Is it not hard, that such a poor fellow should be shot for such a trifling crime? The law perhaps may not be executed with rigour; that, my lords, may be an excuse for the judge, but none for the lawgiver; considering that the officers are the sufferers by desertion, and also the judges in all trials of that crime, I think, my lords, that their not executing the law with rigour, is a convincing argument, that the pains are too severe; but, my lords, as I am against the bill itself, as well as every clause thereof, I am therefore against giving it a second reading, or entering into the consideration of the several clauses of it.

HORACE WALPOLE,

(Brother to Sir Robert,)

Was member for Yarmouth. He seems to have been little inferior to the minister in facility of speaking, and a certain ambidexterity of political logic. He had the art to make the question assume at will whatever shape he pleased, and to make "the worse appear the better reason." But this seems to have been more a trick, or an habitual readiness in the common-place forms of trivial argument, and less owing to natural capacity and quickness of mind, than it was in his brother. There is also less ease and more slovenliness, less grace and more of the affectation of it, than are to be found in his brother's speeches. He appears more desirous of shewing his art than of concealing it, and to be proud of the trappings of ministerial authority which excite the spleen and envy of his opponents.

Mr. Horace Walpole's Speech.

Sir,

I AM sorry to hear a parallel drawn by any member of this house between the army kept up by the late king James, and the army intended to be kept up at present. King James's army was raised against law, was maintained against the consent of the people, and was employed in overturning the liberties of the people: The present question is about an army, which is to be kept up according to law, and by and with the consent and approbation of the people. If we look into the petition of right itself, what does it say? Why that an army raised or kept up, without consent of parliament, is contrary to the constitution; but it was never said that an army kept up by consent of parliament is illegal, or any way contrary to our happy constitution. In this respect, therefore, no parallel can be drawn between the present army, which is to be kept up only by consent of the people, and maintained by them, and that army which was raised and maintained by King James himself, and was so far from being with the concurrence or consent of the people, that it was to be employed against them; and I am persuaded, that no man here suspects that the present army is to be employed in any such manner.

I really believe, Sir, and I hope I am right, that there is but very little dissatisfaction in the nation, and that the jacobite party is now become very inconsiderable: but still that party is not to be ridiculed and made a joke of: we are not so much to despise all attempts that may be made by them, as not to take any measures to provide ourselves against them; such a security is the best thing they can wish for; they would be glad to be despised in such a manner. Gentlemen may say what they will of the little consequence of any endeavours that have been, or may be used by them; but the late rebellion is a certain testimony that they are not to be too much de-

spised. The fate of the kingdom was at that time brought even to the decision of a day; and if the rebels had but been successful at Preston, I do not know what might have been the consequences; I dread to think of them. But let them have been never so fatal, if the liberties of this nation had been overthrown by the success of those rebels, it would have been entirely owing to our having so few regular forces on foot at that time. We have escaped that danger, but do not let us expose ourselves to such dangers for the future; which must be the necessary consequence of reducing any part of the small army now on foot, and desired to be continued.

A parliamentary army never yet did any harm to this nation, but reductions of that army have often been fatal. I have been assured by a minister of very great consequence at the court of France, the reducing of our army after the peace of Ryswick, very much encouraged the court of France to take such measures, and to make such bold steps, as they afterwards did. They would have been more cautious if we had kept ourselves in a capacity of pouring in a numerous army upon them; but they saw that we had put it out of our power, and therefore they despised us. The reduction of the army after the treaty of Utrecht had not, by good luck, all the ill consequences that were designed; but the reduction was certainly made with no good intent. I have a good opinion enough of the late queen. She had not perhaps, any ill intentions, but I am convinced, that her ministers had laid a scheme for overturning the Protestant succession; and they had no other way of executing this scheme but by getting free of all those brave officers and soldiers who had served their country so faithfully in the late wars. This was what made the army be reduced at that time so low as it was: the ministers knew that those honest officers would not serve them in the execution of their destructive schemes, but they took care to supply their place by a body of above 6000 men, who were privately kept in pay, and maintained under colour of Chelsea

Hospital; and the consequence shewed what sort of men these new troops were, for almost every man of them appeared in arms in the late rebellion against the government. We have heard the treaty of Utrecht, upon which this reduction was made, applauded by some; whether it deserves any such applause, I do not know; but I am certain that since that time we have been obliged to enter into separate treaties and negotiations almost with every power in Europe, for amending or explaining the blunders of that treaty; and if we are now right, whoever ascribes our being so to that treaty, may be said to be like a man, who, after breaking another's bones and seeing them set again very right, and well cured by an able surgeon, cries, You are obliged to me, sir, for this great cure that has been performed upon you.

After all, sir, I would not have the friends of the present establishment think themselves absolutely safe and secure: it is not to be supposed but that His Majesty has still some private enemies even in our own country. People may say what they will about the treatment the petition for erecting king William's statue lately met with, but I look upon it as an affront designedly put upon the revolution; and I am sure, it never could have met with so much contempt from any thing but from a spirit of Jacobitism still subsisting in the country, which can never be destroyed but by taking away from them all hopes of success; and this can only be done by keeping up an army sufficient to defend us against their utmost efforts.

MR. SHIPPEN.

His Speech on the Army.

Mr. Speaker,

I SEE this question in the same light with those gentlemen who are of opinion that the determination of it will shew the people of Great Britain, whether they are to enjoy their civil constitution with all its rights and privileges, or to endure a military government, with all its inconveniences and oppressions.

However harsh this assertion may sound, it is so well founded, that if we cannot now hope for a reduction of the army, we may for ever despair of it. For this is the conjuncture, this is the crisis, when the people of Great Britain may with reason and justice expect, I had almost said demand, an exemption from every unnecessary tax; and as none is more grievous at all times, so none seems to be more unnecessary at this time, than that which is occasioned by maintaining an extraordinary number of land forces. Such an exemption must be acceptable to his Majesty, who hath been most graciously pleased to open this session with declaring, "That it is a pleasure to him to give ease to his subjects, whenever the welfare of the public will admit of it."

Sir, there can be no doubt, but the welfare of the public will now admit of reducing our expences on the head of an army: for we have the same royal assurance that the general tranquillity of Europe is fully restored and established: that all the jarring and contending powers are united, all the different views of interest and ambition reconciled by his Majesty's extensive influence, and consummate wisdom; that the wounds which have been so long bleeding, are entirely cured by

his healing hand; that peace and good harmony are returned together; that the duty and affection of his subjects are all he desires for his paternal love and concern for them; that his government has no other security but what is equally conducive to their happiness.

This is the situation which his majesty promises himself, will inspire us with such a seasonable zeal for the public good, as becomes a parliament sensible of the blessings they enjoy; and imagination cannot form a more pleasing idea, a more perfect plan of national prosperity, than what is here described; nor could a good and gracious prince bring better tidings, or communicate more welcome news from the throne, to a free people.

Since, then, his Majesty has so gloriously performed his part, let us not be wanting on ours. Let us take the earliest opportunity of convincing those we represent that they are immediately to reap the fruit of his royal labours, and that all their grievances will be gradually redressed. Let us begin with reducing the army, and making them sensible that it is not intended they should any longer bear the burthen and inconveniences of war, in a day of profound peace and universal tranquillity.

If we fail in this great point, the people, who did not resign their understandings, when they delegated their power to us, know they have a right to judge for themselves. They will not be imposed upon by appearances. They will be apt, notwithstanding all the fine words they hear, and all the fine speeches they read, to call this boasted success, these promised blessings, no more than a mere delusion, a golden dream, a chimerical and visionary scene of happiness.

I wish, therefore, the honourable person who moved this question, and the other gentlemen who have been his coadjutors in the support of it, had been a little more explicit. I wish, instead of amusing the committee with detail of the various reductions of our forces from the treaty of Ryswick down to this day, and assigning wrong

causes and consequences to each of those reductions; instead of assuring us, that to their own private knowledge, the officers of the army had frequently, on extraordinary occasions, assisted the civil magistrates in the execution of their duty; instead of reviving the old exploded argument of disaffection and jacobitism, I wish, instead of rambling so widely from the point in debate, they would have dealt more candidly with their audience, and told us plainly, whether they think a standing land force will always be necessary to preserve and secure our present happy settlement: or whether they think the civil constitution of this kingdom so weakly and so imperfectly framed, as to want something of the military power to strengthen and sustain it. If they entertain the first of these notions, they must give me leave to take notice, that such an insinuation is unjust, and the argument odious; since it is a very gross reflection on our present happy settlement, which is founded on the principles of liberty: and which you know, sir, was intended to rectify all the errors and to reform all the abuses of preceding reigns. I say, it is a gross reflection on our present settlement to suppose, that his majesty cannot wear his crown with safety, but by burthening the nation with the constant charge of maintaining near eighteen thousand men, but by establishing a force which will perpetually interfere with the liberty of his subjects, and consequently, shake the foundation of his throne. For, however changeable the counsels and actions of ministers may be, the nature of things is permanent: and it is impossible that what has been the constant, the certain cause of destruction to other governments, should by any new schemes, by any refinements in politics, be made the sole, or at least the chief, security of his majesty's crown. 'Tis true, indeed, that the parliament has of late years consented to keep up an extraordinary number of troops in time of peace, for reasons better known to those who gave their consent, than to me who opposed them when they did so. But

it has neither yielded up, or renounced that fundamental maxim, viz. That a land force in England ought to be considered as the creature of necessity, which should not be allowed to subsist one moment longer than the exigencies of the state require.

If they entertain the second notion, they are equally mistaken in that, as in the first: for it is a notion highly injurious to our constitution, which was so happily compounded in its original formation, that it can receive no addition or alteration without prejudice. There is so close, so just a connection betwixt all the parts of it, that if any one should be made independent of the rest, it would destroy that symmetry, which is essential to the whole, and which distinguishes it from all other constitutions. The crown, though limited, is armed with prerogative and power, sufficient as well to defend itself as to protect its subjects. The people are possessed of rights and privileges in as extensive a degree as is consistent with the nature of monarchy, and those rights and privileges are secured to them by the strongest and most sacred obligations. Nay, this notion is not only injurious, but impracticable: for what I have frequently advanced here must be universally allowed—that the civil and military power cannot subsist long together; and it is easy to foretel which will at last prevail, which will at last assume the sole dominion. We see the fatal effects of such a conjunction in those kingdoms where armies tyrannize, and where senates servilely obey.

Now, God forbid that the delightful view, the glorious prospect which his majesty has opened to his subjects, of their present envied condition, and of their future unspeakable felicities, should terminate in confusion and calamity. God forbid that any compliance, any resolution of ours, should endanger or alter the best constituted, the best balanced government in Europe. For as it is the glory of our ancestors that they have maintained it in opposition to all the attempts of innovation

and that they have transmitted it entire to their posterity, so it will be a mark of eternal infamy to that generation, in whose time it shall happen, either by the ambition of the prince, or by the treachery of the ministry, or by the slavishness of the people, to be surrendered or destroyed.

But I forbear running into general arguments. I forbear, too, answering the distinctions which have been made betwixt parliament armies and crown armies. For by what epithets soever distinguished, or by what authority soever raised or allowed, armies are in their nature the same, and the danger of continuing them the same: as I have formerly endeavoured to prove, when the ministry required for many sessions an extraordinary number of land forces, only because they had by their negligence, or by their insufficiency, so incumbered and embarrassed the public affairs, that they wanted a stronger guard, a more effectual support to secure their administration, than their own wisdom and conduct.

But the case is altered, and his majesty has extricated us out of all the difficulties, out of the long unsettled state of affairs, in which his ministers had involved us. I therefore rest the whole debate on the circumstances we are said to be in at this day; and in that view I take it to be impossible for any one, who is a well wisher to the true and ancient constitution of this kingdom, to vote for the question as it now stands. I submit indeed to the amendment made by a noble lord, (Lord Morpeth) for a smaller number of forces than was at first proposed; I mean for twelve thousand rather than near eighteen thousand men, only as it is the *minus malum*, and not because I think that number now necessary for our preservation, nor because I think any number ought ever to be admitted into our establishment, or considered as a part of our constitution, on any pretence whatsoever.

SIR ROBERT WALPOLE.

His Speech on the same.

Sir,

I FIND the gentlemen who oppose the motion made by my honourable friend, have all along argued, as if the number of forces now proposed were to be kept up against law, or continue for ever: whereas the very design of the motion made to this house is, in order to have a law for keeping them up; and all that the gentleman wants by his motion is, that they shall be continued for this year only. The case then before us is, whether it will be more proper, and more for the benefit of the nation, to keep up the number proposed for one year, or by an ill-timed frugality to reduce some part of them and thereby expose the nation to be contemned and despised by our neighbours round us, and that at a time when the public tranquillity is but just settled, and before we can know whether some of our neighbouring powers are satisfied or not. Nations, as well as private men, must accommodate their measures to the times they live in. The circumstances of Europe are now much altered from what they were in former days; but a very few ages ago there was no such thing in Europe as what we now call a standing army; there was nothing but the militia in any country, and therefore it was no way necessary for us to have any thing else. If we quarrelled with any of our neighbours, we were sure they had nothing but militia to bring against us; our militia was, and I hope still is, as good as theirs; but I do not believe that any man will say, that the militia of any country can be made fully as good as regular troops, bred up to discipline, and accustomed to command for many years: the thing is impossible; and it is so looked on by all the powers of Europe. There is not now a sove-

reign state in Europe but keeps a body of regular troops in their pay: there are none of our neighbours but what keep a much greater number than we do, and therefore it is become in a manner absolutely necessary for us to keep some. We must have some regular troops to oppose to those that may upon a sudden emergency be brought against us, and to obstruct and oppose their passage till we have time to raise more. The only question is, how great a number we ought to keep, and in what manner they are to be kept up, and so as not to be dangerous to our constitution.

As to preventing of any danger arising from the regular forces kept up, I do not think there can be a better method proposed, than that of keeping them up only by authority of parliament, and continuing them only from year to year; by this method, sir, they must always be dependent upon, and subservient to the parliament or people, and consequently can never be made use of for any thing but for the preservation and safety of the people against all attempts, foreign and domestic; and while they are kept up in this manner, they will always be a terror to our enemies, without subjecting us to any of those misfortunes which other countries have fallen into. A standing army, I find, is represented by some gentlemen who have spoke upon the other side of the question, as not to be depended on even by the king, whose service they are in. I grant that an army of British subjects, whatever way kept up or modelled, is not to be trusted to by a king who makes any attempts upon the liberties of the people; but if such an army, raised and maintained without consent of parliament, was, we find, not to be trusted to by a king who had such designs, how much less can any man depend for the execution of such designs upon an army such as we have at present? an army raised, kept up, and maintained by the people; an army that may be dismissed by them when they please, and an army that is commanded by gentlemen of some of the best estates and families amongst us, who

never can be supposed capable of joining in any measures of enslaving a country, where they have so great an interest, and where their ancestors have so often signalized themselves in the cause of liberty. It is not therefore to be imagined, that ever such an army can be of any dangerous consequence to our liberties, were they much more numerous than they are proposed to be.

It is certain, that every state in Europe now measures the strength of their neighbours by the number of regular troops they can bring into the field: the number, or even the bravery of any militia, is not now much regarded, and therefore the influence and the credit that every state in Europe has, or can expect in the public negotiations thereof, depends entirely upon the number of regular troops they can command upon any emergency. We must therefore conclude, that if we reduce the number of our forces, our influence abroad will decrease; our enemies will begin to imagine that they may catch great advantages of us, or at least of our allies, before we can be in a condition to afford any considerable assistance to our friends, or do any great injury to them: upon which account I cannot think it prudent to make any great reduction of our army, before the treaties we have made for establishing the tranquillity of Europe are fully and absolutely secured, by such alliances as make the execution of what we have stipulated and agreed upon certain and indisputable.

But even as to our security at home, I do not think, sir, that it can bear any reduction at present; we do not know what sudden and unexpected attempts may be made upon us. Notwithstanding the great army we have, as is pretended, at present, it is certain that we could not in several weeks time bring 5000 men of regular forces together in any part of the island, for opposing any invasion that may happen to be made upon us, without stripping our capital and leaving it without any defence against its open or secret enemies. Those who tell us, that there were no more than 7000 men in England

during the course of the late war, forget that we had at that time 4000 or 5000 men in Scotland, and had all along a great army abroad at our command, which we could bring over when we pleased, and did actually bring over 10,000 men from Flanders, immediately upon the first certain accounts we had that the French designed an invasion in Scotland; which made the number of regular forces then in the island above 20,000; and shews that we were very far from relying upon the 7000 men we then had in England, for our sole defence in the time of danger. Besides, we ought to consider that the king of France was then wholly taken up in defending his own territories, and settling his son in the possession of the Spanish monarchy; he had not time to think of the Pretender, nor could he spare any troops for making an invasion upon us.

Whereas, should that nation or any other begin now to have a quarrel with us, the first thing they would probably do, would be to endeavour to steal in the Pretender upon us with a good body of regular troops: which attempt they will always be the more ready to make, the fewer regular forces we have at home to oppose them. We have now no army abroad at our command; our allies might perhaps have no more than were absolutely necessary for the defence of their own territories; and though they had, we know what a tedious affair it is, before they can be brought over to our assistance: we cannot, therefore, properly put our trust in any but those which we have within the island; and the number proposed is the smallest we can trust to, till the affairs of Europe be so settled, as that we can be in no danger of an attack.

I must take notice, sir, that all those who are professed enemies to our constitution and to the protestant succession, exclaim loudly against a standing army: there is not, I believe, a jacobite in the land, but what appears strenuously against the keeping up so great a number of regular forces. I must, sir, upon this occa-

sion, acquaint you with a story that happened to me the other day. Some bills having been lately sent over from Ireland for his majesty's approbation, and among them one against the papists of that kingdom; counsel were admitted to be heard for and against the bill. In arguing of this matter, it happened that the counsel for the papists had occasion to refer to the articles of Limerick, and therefore wanted them to be read; but there being no copy of them then at the council board, their solicitor, who was a papist, pulled a little book out of his pocket, and from thence read the articles. I supposed that this little book was his *vade mecum*, and therefore I desired to look upon it, and found that it contained those articles of Limerick; the French king's declaration against the states of Holland in the year 1701, and three arguments against a standing army: from whence I concluded, that this solicitor was a notable holder forth in coffee houses against the pernicious consequences of a standing army; and I do not doubt, but that if he were a member of this house, he would be one of the keenest among us against the present question: for which reason, sir, I shall glory in being one of those that are for it.

WILLIAM PULTENEY,

(Afterwards Earl of Bath,)

Was born 1682, and died 1764. He was the bitterest opponent Sir Robert Walpole ever had, (which is said to have arisen from some difference between them at the outset of their political career) and he at length succeeded in driving him from his situation. He was member for Heydon, in Yorkshire. He lost all the popularity he had gained by his long opposition to the ministerial party, when he was made a peer, and sunk into obscurity and contempt. I think the following is the best of his speeches. He was, however, in general, a very able speaker. The stile of his speeches is particularly good, and exactly fitted to produce an effect on a mixed audience. His sentences are short, direct, pointed; yet full and explicit, abounding in repetitions of the same leading phrase or idea, whenever this had a tendency to rivet the impression more strongly in the mind of the hearer, or to prevent the slightest obscurity or doubt. He also knew perfectly well how to avail himself of the resources contained in the stately significance, and gross familiarity of the dialect of the house of commons. To talk in the character of a great parliamentary leader, to assume the sense of the house, to effect the extensive views and disinterested feelings that belong to a great permanent body, and to descend in a moment to all the pertness and scurrility, the conceit and self-importance of a factious bully, are among the great arts of parliamentary speaking. Dogmatical assumptions, consequently airs, and big words, are what convince and overawe the generality of hearers, who always judge of others by their pretensions, and feel the greatest confidence in those who have the least doubt about themselves. There is also in this gentleman's speeches, a character, which indeed they had in common with most of the speeches of the time; that is, they discover a general knowledge of the affairs of Europe, and of the intrigues, interests, and engagements of the different courts on the continent; they shew the statesman, and the man of business, as well as the orator. These minute details render the speeches of this period long and uninteresting, which prevented me from giving so many of them as the ability displayed in them would otherwise have required. This diplomatic eloquence seems to have been gaining ground from the time of the revolution. We may see from Lord Bolingbroke's writings how much the study of such subjects was in fashion in his time.

Mr. Pulteney's Reply.

We have heard a great deal about parliamentary armies, and about an army continued from year to year. I have always been, sir, and shall be, against a standing army of any kind. To me it is a terrible thing, whether under that of parliament, or any other designation; a standing army is still a standing army, whatever name it be called by; they are a body of men distinct from the body of the people; they are governed by different laws: blind obedience, and an entire submission to the orders of their commanding officer, is their only principle. The nations around us are already enslaved, and have been enslaved by those very means: by means of their standing armies, they have every one lost their liberties. It is, indeed, impossible that the liberties of the people can be preserved in any country where a numerous standing army is kept up. Shall we then take any of our measures from the examples of our neighbours? No, sir, upon the contrary, from their misfortunes we ought to learn to avoid those rocks upon which they have split.

It signifies nothing to tell me that our army is commanded by such gentlemen as cannot be supposed to join in any measures for enslaving their country; it may be so, I hope it is so; I have a very good opinion of many gentlemen now in the army; I believe they would not join in any such measures; but their lives are uncertain, nor can we be sure how long they may be continued in command; that they may not be all dismissed in a moment, and proper tools of power put in their room. Besides, sir, we know the passions of men; we know how dangerous it is to trust the best of men with too much power. Where was there a braver army than that under Julius Cæsar? where was there ever an army that had served their country more faithfully? That army was commanded generally by the best citizens of Rome; by men of great fortune and figure in

their country; yet that army enslaved their country; the affections of the soldiers towards their country, the honour and integrity of the under officers, are not to be depended on. By the military law, the administration of justice is so quick, and the punishment so severe, that neither officer or soldier dares to dispute the orders of his supreme commander; he must not consult his own inclinations. If an officer were commanded to pull his own father out of this house, he must do it; he dares not disobey; immediate death would be the sure consequence of the least grumbling; and if an officer were sent into the court of requests, accompanied by a body of musketeers with screwed bayonets, and with orders to tell us what we ought to do, and how we were to vote, I know what would be the duty of this house; I know it would be our duty to order the officer to be taken and hanged up at the door of the lobby. But, sir, I doubt much, if such a spirit could be found in the house, or in any house of commons that will ever be in England.

Sir, I talk not of imaginary things; I talk of what has happened to an English house of commons, and from an English army; not only from an English army, but an army that was raised by that very house of commons; an army that was paid by them, and an army that was commanded by generals appointed by them; therefore do not let us vainly imagine that an army raised and maintained by authority of parliament, will always be submissive to them. If an army be so numerous as to have it in their power to overawe the parliament, they will be submissive as long as the parliament does nothing to disoblige their favourite general; but when that case happens, I am afraid, that instead of the parliament's dismissing the army, the army will dismiss the parliament, as they have done heretofore. Nor does the legality or illegality of that parliament, or of that army, alter the case: for with respect to that army, and according to their way of thinking, the parliament dismissed by them was a legal parliament; they were an army raised

and maintained according to law; and at first they were raised, as they imagined, for the preservation of those liberties, which they afterwards destroyed.

It has been urged, sir, that whoever is for the protestant succession must be for continuing the army. For that very reason, sir, I am against continuing the army. I know that neither the protestant succession in his majesty's most illustrious house, nor any succession, can ever be safe, as long as there is a standing army in the country. Armies, sir, have no regard to hereditary successions. The first two Cæsars at Rome, did pretty well, and found means to keep their armies in tolerable subjection, because the generals and officers were all their own creatures; but how did it fare with their successors? Was not every one of them named by the army without any regard to hereditary right, or to any right? a cobler, a gardener, or any man who happened to raise himself in the army, and could gain their affections, was made emperor of the world. Was not every succeeding emperor, raised to the throne, or tumbled headlong into the dust, according to the mere whim or mad frenzy of the soldiers?

We are told, Oh! gentlemen, but this army is desired to be continued but for one year longer, it is not desired to be continued for any term of years. How absurd is this distinction! Is there any army in the world continued for any term of years? Does the most absolute monarch tell his army, that he is to continue them for any number of years, or any number of months? How long have we already continued our army from year to year? And if it thus continues, wherein will it differ from the standing armies of those countries which have already submitted their necks to the yoke? We are now come to the Rubicon; our army is now to be reduced, or it never will. From his majesty's own mouth we are assured of a profound tranquillity abroad—we know there is one at home. If this is not a proper time, if these circumstances do not afford us a safe

opportunity for reducing at least a part of our regular forces, we never can expect to see any reduction; and this nation, already overloaded with debts and taxes, must be loaded with the heavy charge of perpetually supporting a numerous standing army, and remain for ever exposed to the danger of having its liberties and privileges trampled upon, by any future king or ministry, who shall take it in their heads to do so, and shall take a proper care to model the army for that purpose.

LORD BATHURST.

His Speech on the Number of Land Forces.

My Lords,

THE noble duke who spoke last, has spoken so fully and so well in favour of a standing army, that if it were possible to convince me that a standing army is consistent with the liberties of the country, that noble duke would have done it. I should even be afraid to rise up to offer any thing in answer to what he has so well said upon that subject, if it were not, that I think myself under a necessity of giving your lordships some reason for my voting as I shall do, in the important question now before us.

I was glad, my lords, to hear that noble duke allow, that the militia of the kingdom might be put upon such a footing as to be useful for our defence: this I should be glad to see done, because I think it the only defence, next to our fleet, which we can with any safety trust to; and as there is no man more capable than he, of putting us in a way of making our malitia useful, I wish he would give us his thoughts upon that subject; I am sure there

is nothing he can offer but what will be well received and readily agreed to. As to the expence of keeping our militia under a proper discipline, I do not think that it is of any consideration in the present question, if it should amount to a great deal more than what we now pay for maintaining our regular army; it would be an argument of no weight with me against the scheme, for I am sure, if the expence were greater, our power would be rendered in proportion much more extensive, and our liberties much more secure.

If, my lords, the militia were to be put upon a proper and a right footing, if they were to be put upon such a footing as to be really useful for the defence of the country, it is not to be supposed, that the people would grumble at any charge or inconvenience they were put to upon such a necessary and reasonable account. The many loads they have quietly submitted to of late years, shew us that they are not apt to grumble, when they are convinced of the reason of the thing; but at present they know that the militia are of no public use; they know that the drawing them out to exercise tends to no end but that of putting money in the pockets of the officers, and therefore they grumble when they find themselves put to any expence upon such an unprofitable account.

Though the militia of the kingdom be under the command of the king, though their officers be all named by the king, yet under such a military force, our liberties must be safe: the militia of the kingdom are the people of the kingdom, and it is impossible to make use of the people for oppressing the liberties of the people; but a standing army of regular forces soon begin to look upon themselves as a body separate and distinct from the people: and if the people in general neglect the use of arms, and trust entirely to such a military force for their defence, the king, who has the absolute command over them, may easily fall upon ways and means to make use of them for oppressing the liberties of the people; by granting particular favours to such a military force, and by preserving the affections of a few men bred up to

arms and military discipline, he may do whatever he pleases with the multitude, who have neither arms in their hands, nor any knowledge how to use them, if they had. What the noble duke said as to auxiliaries is most certainly true; those who trust entirely to auxiliaries for their defence, must always be slaves to those in whom they put their trust: it is, my lords, for this very reason that I am against a standing army; for it holds equally true of a standing army of our own subjects, as of an army of foreign auxiliaries; whoever trusts his defence to any thing but himself must be a slave to that in which he puts his trust; and whatever people put their whole trust in a standing army, even of their own subjects, will soon come to be as great slaves as the people who put their trust in an army of foreign troops; the masters may be different, but the slavery is the same, and will be equally grievous.

I believe it never was said, that a standing army is the only method by which an arbitrary power may be established; there are, without doubt, other means by which it may be established, but I am sure that it can never be long supported without a standing army. By a political and cunning administration the people may be cheated out of their liberties; by some specious pretence or another they may be induced to give up all those barriers, which are the defence and the protection of their liberties and privileges; but the fraud will at last be discovered, and as soon as it is, the people will resume their ancient privileges, if there be no new sort of power established for protecting the arbitrary government against any such resumption; which power can never consist in any thing else but a standing army of some kind or other.

A standing army must, therefore, my lords, be of dangerous consequence to the liberties of every country. In some free countries there may be at least a shew of reason for their submitting to such a danger; but in this country there cannot be so much as a shew of reason; we have a fleet superior to that of any of our neighbours, and we know how difficult it is for any of our neighbours to in-

vade us with a considerable force; such designs must always be discovered before they can be ready for execution; and as long as we preserve a superior fleet, we shall have it in our power to prevent the execution of any such design; but granting that they should by any strange fatality or negligence, escape our fleets at sea, yet still we should have time to prepare for their reception; if our militia be always kept in good order and under a proper discipline, they will be sufficient for our defence against any power that can be brought against us, as long as the king is possessed of the affections of the people in general; and those he can never lose so readily as by despising the people, and trusting entirely to his standing army.

As for those small invasions which the noble duke was pleased to mention, what though they had landed? What would have been the consequence? I hope, my lords, it is not to be imagined, notwithstanding the contemptible state to which our militia has been by neglect reduced, that this country is to be conquered by six or seven thousand men. Even the late king William, though he had escaped the English fleet, where it is supposed he had a good many friends, though he had double that number of men, and though he got all his troops safely, and without opposition, landed upon the English shore; yet, my lords, upon his seeing so few come in to join him, upon his first landing, he was very near going off again. It is not an easy matter to bring about a revolution against an established government; but it is still much more difficult to come in as conquerors, and pretend to subdue such a powerful and populous country as this is. And if the great king William, who came to relieve us from slavery and oppression, who brought along with him so great an army and so powerful a fleet; if he, I say, was so doubtful of success upon his first landing, what have we to fear from any small invasion? Surely, from such the nation can never have any thing to fear, whatever such a government as that of king James's was might have to fear from such invasions when encouraged, called in, and sup-

ported by the generality of our people at home. This is a case which I hope never will again happen; it is a case against which we are not to provide; and for these reasons I shall be for agreeing to the reduction proposed.

As to our armies not being obliged to obey any but legal orders, I do not know, my lords, whether it be so or not; but in my opinion the noble duke has given us a good hint for an amendment to the bill; this word *legal*, ought certainly to be put in, and then in case of any disobedience to such orders, a council of war would certainly have it in their power to examine first into the legality of the orders given; as to which there may be some doubt as the bill stands at present: it may be at least alledged, that as the bill now stands, the council of war would be obliged to pass sentence against the soldiers for mutiny, whatever they might afterwards do with the officer who gave the illegal orders.

SIR GILBERT HEATHCOTE,

Was an alderman of London. He spoke frequently in the house about this period, and always in a plain, sensible manner.

*Sir G Heathcote's Speech on the Establishment of Excise Officers.**

Sir,

OTHER gentlemen have already fully explained and set forth the great inconveniences which must be brought on

* The introduction of the excise laws excited an immense ferment through the kingdom about this time. It was called by Pulteney, "that monster, the Excise." And Walpole had more difficulty in weathering the storm of opposition that rose on this occasion, than on any other. How tame are we grown! How familiar with that slavery and ruin, threatened us by so many succeeding prophets and politicians! We play with the bugbears, and handle them, and do not find that they hurt us. We look back, and smile at the disproportionate resistance of our inexperienced forefathers to petty vexations and imaginary grievances; and are like the old horse in the fable, who wondered at the folly of the young horse, who refused even to be saddled, while he crouched patiently under the heaviest burthens.

the trade of this nation, by the scheme now proposed to us; those have been made very apparent, and from them arises a very strong objection against what is now proposed: but the greatest objection arises from the danger to which this scheme will most certainly expose the liberties of our country; those liberties, for which our ancestors have so often ventured their lives and fortunes; those liberties which have cost this nation so much blood and treasure, seem already to be greatly retrenched. I am sorry to say it, but what is now in dispute, seems to me to be the last branch of liberty we have to contend for: we have already established a standing army, and have made it, in a manner, a part of our constitution; we have already subjected great numbers of the people of this nation to the arbitrary laws of excise; and this scheme is so wide a step towards subjecting all the rest of the people of England to those arbitrary laws, that it will be impossible for us to recover, or prevent the fatal consequences of such a scheme."

We are told that his majesty is a good and a wise prince: we all believe him to be so; but I hope no man will pretend to draw any argument from thence for our surrendering those liberties and privileges, which have been handed down to us by our ancestors. We have indeed, nothing to fear from his present majesty: he never will make a bad use of that power which we have put into his hands; but if we once grant to the crown too great an extent of power, we cannot recal that grant when we have a mind; and though his majesty should never make a bad use of it, some of his successors may: the being governed by a wise and good king, does not make the people a free people; the Romans were as great slaves under the few good emperors they had to reign over them as they were under the most cruel of their tyrants. After the people have once given up their liberties, their governors have all the same power of oppressing them, though they may not perhaps all make the same wicked use of the power lodged in their hands; but a slave that has the good for-

tune to meet with a good natured and humane master, is no less a slave than he that meets with a cruel and barbarous one. Our liberties are too valuable, and have been purchased at too high a price, to be sported with, or wantonly given up even to the best of kings: we have before now had some good, some wise and gracious sovereigns to reign over us, but we find, that under them our ancestors were as jealous of their liberties as they were under the worst of our kings. It is to be hoped that we have still the same value for our liberties: if we have, we certainly shall use all peaceable methods to preserve and secure them: and if such methods should prove ineffectual, I hope there is no Englishman but has spirit enough to use those methods for the preservation of our liberties, which were used by our ancestors for the defence of theirs, and for transmitting them down to us in that glorious condition in which we found them. There are some still alive who bravely ventured their lives and fortunes in defence of the liberties of their country; there are many, whose fathers were embarked in the same glorious cause; let it never be said, that the sons of such men wantonly gave up those liberties for which their fathers had risqued so much, and that for the poor pretence of suppressing a few frauds in the collecting of the public revenues, which might easily have been suppressed without entering into any such dangerous measures. This is all I shall trouble you with at present; but so much I thought it was incumbent upon me to say, in order that I might enter my protest against the question now before us.

SIR ROBERT WALPOLE.

His Speech on the same occasion.

Sir,

As I was obliged, when I opened the affair now before you, to take up a great deal of your time, I then ima-

gined that I should not have been under a necessity of giving you any farther trouble; but when such things are thrown out, things which in my opinion are quite foreign to the debate; when the ancient histories, not only of this but other countries, are ransacked for characters of wicked ministers, in order to adapt them to the present times, and to draw parallels between them and some modern characters to which they bear no other resemblance than that they were ministers, it is impossible for one to sit still. Of late years I have dealt but little in the study of history; but I have a very good prompter by me, (meaning Sir Philip Yorke) and by his means, I can recollect that the case of Empson and Dudley, mentioned by the honourable gentleman who spoke last, was so very different from any thing that can possibly be presumed from the scheme now before us, that I wonder how it was possible to lug them into the debate. The case as to them was, that they had by virtue of old and obsolete laws, most unjustly extorted great sums of money from people, who, as was pretended, had become liable to great pains and penalties, by having been guilty of breaches of those obsolete laws which for many years before had gone entirely into disuse. I must say, and I hope most of those that hear me, think that it is very unjust and unfair to draw any parallel between the character of those two ministers and mine, which was, I suppose, what the honourable gentleman meant to do, when he brought that piece of history into the debate. If I ever endeavour to raise money from the people, or from any man whatever, by oppressive or illegal means, if my character should ever come to be in any respect like theirs, I shall deserve their fate. But while I know myself to be innocent, I shall depend upon the protection of the laws of my country. As long as they can protect me I am safe; and if that protection should fail, I am prepared to submit to the worst that can happen. I know that my political and ministerial life has by some gentlemen been long wished at an end; but they may ask their own disappointed hearts, how

vain their wishes have been; and as for my natural life, I have lived long enough to learn to be as easy about parting with it, as any man can well be.

As to those clamours which have been raised without doors, and which are now so much insisted on, it is very well known by whom and by what methods they were raised, and it is no difficult matter to guess with what views; but I am very far from taking them to be the sense of the nation, or believing that the sentiments of the generality of the people were thereby expressed. The most part of the people concerned in those clamours did not speak their own sentiments. They were played upon by others like so many puppets; it was not the puppets that spoke, it was those behind the curtain that played them, and made them speak whatever they had a mind.

There is now a most extraordinary concourse of people at our door. I hope it will not be said that all those people came there of themselves naturally, and without any instigation from others, for to my certain knowledge some very odd methods were used to bring such multitudes hither. Circular letters were wrote, and sent by the beadles in the most public and unprecedented manner, round almost every ward in the city, summoning them upon their peril to come down this day to the house of commons. This I am certain of because I have now one of those letters in my pocket, signed by a deputy of one of the greatest wards in the city of London, and sent by the beadle to one of the inhabitants of that ward; and I know that such letters were sent in the same manner almost to every liveryman and tradesman in that ward; and by the same sort of unwarrantable methods have the clamours been raised almost in every other part of the nation.

Gentlemen may say what they please of the multitudes now at our door, and in all the avenues leading to this house; they may call them a modest multitude, if they will; but whatever temper they were in when they came hither, it may be very much altered now,

after having waited so long at our door. It may be a very easy matter for some designing seditious person to raise a tumult and disorder among them; and when tumults are once begun, no man knows where they may end. He is a greater man than any I know in the nation, that could with the same ease appease them. For this reason I must think, that it was neither prudent nor regular to use any methods for bringing such multitudes to this place, under any pretence whatever. Gentlemen may give them what name they think fit; it may be said, that they came hither as humble supplicants; but I know whom the law calls sturdy beggars, and those who brought them hither could not be certain but that they might have behaved in the same manner.

JOHN LORD CARTERET,

(Afterwards Earl of Granville,)

Succeeded his father George lord Carteret, when very young. He was educated at Oxford, and took his seat in the house of lords in 1711, where he distinguished himself by his zeal for the Hanover succession. In 1719, he went ambassador to Sweden, and in 1724, was appointed viceroy of Ireland, where his administration, at a very trying period, was generally applauded for its wisdom and moderation. He died in 1763. He was a man of abilities, an highly amiable character, and a great encourager of learned men. To him it was that the celebrated Hutcheson dedicated his elegant treatise on beauty and virtue.

Lord Carteret's Speech on the Number of Land Forces.

My Lords,

So many lords have spoke so well in favour of the reduction proposed, and have so fully answered all the objections made against it, that I should not have given your lordships any trouble on the present occasion, if it had not been that I now find, that not only a standing

army, but an army of the full number we have at present on foot, seems to be made a part of our constitution: the old pretence of continuing the same number of regular forces for one year longer, seems now to be laid aside. His majesty in his speech from the throne told us, that the public tranquillity was now so fully established, that he had no other reason for calling us together but only for the ordinary dispatch of the public business; and must this, my lords, be looked on as a part of the ordinary business of the year? Must the continuing of a standing army of 18,000 men, in time of peace, be a part of that business which is yearly to pass of course in parliament? It has been a long time continued from year to year; but if it once comes to be an affair which is yearly to pass of course, wherein will it differ from those standing armies by which the liberties of other countries have been undone?

A standing army alone may not perhaps be sufficient forbringing so great a misfortune upon a people; there must be other causes concurring; but it may be averred, that in all countries where arbitrary power and abject slavery have been introduced, the fatal change in the constitution has been owing to a numerous standing army, a great number of officers of the revenue, and a prostitute clergy; and even these three concurring together, must require some time before they can get the better of the liberties of a brave people. The army must be so long kept up, and modelled in such a manner, as to be entirely dependent on the crown. It is not to be supposed, that the officers and soldiers of an army raised from among a free people, can be immediately divested of all those notions of liberty, with which they were endowed when they first listed in the army; but if they have a brave and cunning commander, this may be done in a few years; the generality of them may be soon made regardless of every thing but the will and pleasure of him who can prefer them to a superior command; a large revenue and many officers cannot be

at once established upon a free people; this must be done by slow degrees, and requires many plausible pretences; and it is to be hoped that the honour and virtue of the clergy would stand some little shock; they could not at once be brought to that degree of prostitution, which is necessary for the establishment of arbitrary power.

At present, my lords, we may depend upon his majesty: we are convinced that he will not attempt to encroach upon the liberties of his people; we may likewise depend on it, that our present army would not support any such measures, were they to be attempted; his majesty has been so good as to employ men as officers in the army, whose honour and integrity we may depend on; but we are not sure of having always a king so wise and good, or an army of so much virtue and honour; and under the best of kings we ought to provide against the worst.

I do not say, my lords, that we are now in any immediate danger of losing our liberties; but I say, that we are getting into that way by which the liberties of every country have been undone: we are establishing the custom of keeping up a standing army in time of peace; we are every year increasing the number of the officers of the revenue; what will the consequence be? I tremble to think of it! We are not indeed under any danger while his present majesty lives to reign over us: but will not every succeeding king say, Why will you treat me worse than my predecessor? Why will you refuse to grant me that number of regular forces, or that revenue, which in the same circumstances you granted to my father? And we well know, my lords, how complaisant parliaments generally are in the beginning of a reign; they are generally more apt to increase both the revenue and the army of the crown, than they are to diminish either; and if an ambitious prince should succeed to the crown, supported by such a numerous standing army as what is now proposed, so long kept up as to have

formed themselves into a different body from the people to whom they belong, and with such a crowd of officers of the revenue as we have at present, all depending upon him and removeable at his pleasure, what may he not do?

I am surprized, my lords, to hear it said, that standing armies have had no hand in the overturning the liberties of the several countries of Europe. It is true that the most numerous army can be of no dangerous consequence to the liberties of any country, as long as it depends upon a great many heads; an army can never be of dangerous consequence, till it comes to be entirely dependent upon one man; and that it generally does when it is long kept up, more especially if any one man comes to get the whole power into his hands both of paying the army, and of naming and preferring the several officers employed therein. Julius Cæsar had too long a head not to be sensible of this, and therefore he procured himself to be sent into Gaul; there he continued for several years at the head of numerous conquering armies, and having got into his own hands both the power of paying and preferring in his army, he soon managed it so as to make them entirely obedient to him; then he commanded them to march against, and with them he conquered his country. If there had been no standing armies of either side, the consequence could not have been the same, though a civil war had broke out; the armies newly raised by each side must have had a dependence upon a great many chiefs, and which ever side had got the victory, the chiefs would have taken care of the liberties of their country; they would have settled them upon the ancient foundation, or upon a better, if any better could have been contrived.

In Spain it was likewise by such an army that their liberties were destroyed; the inquisition, it is true, was set up much about the same time, and in all countries an inquisition of some kind or another generally accompanies arbitrary power; there may be courts of inqui-

sition with regard to civil affairs as well as religious; and all inquisitions are at first established upon some plausible pretence. The banishing of the Moors and Jews out of his kingdoms, was the pretence made use of by Ferdinand, then king of Spain; but the extending of his own power was the latent and the chief reason. The inquisition was not, however, the chief cause of the loss of the Spanish liberties, it was only a consequence: for before the setting up thereof, he had got the absolute command of a great army, which had been kept up for several years under pretence of their war with Portugal, whose then king laid pretensions to the crown of Spain; and by keeping his country in continual wars, he found pretences to keep up a standing army, with which, it is true he conquered and banished the Moors, but he therewith likewise conquered the liberties of his country; and the chains of the people were soon after riveted by a priest, a cardinal prime minister, who completed the cruel work which Ferdinand by his army had so successfully begun.

In France too, my lords, it was by standing armies chiefly that their liberties were undone; it was not, indeed, by armies modelled as they have them at present, but it was by altering the ancient military force of the kingdom, that their liberties were destroyed; it was by their kings' taking the army *à sa solde*, as they call it: for anciently the military force of that kingdom depended chiefly upon the nobility or great princes; their armies were composed of the troops sent to the general rendezvous by the several princes of the kingdom, who generally paid their respective troops; or if at any time they had them maintained at the public charge, yet each prince retained in his own hands the naming and preferring the officers employed in his troops, and therefore no one man could ever procure to himself an absolute command over the armies of that kingdom: but at last this laudable custom was laid aside; the king got into his own hands the whole power of raising and paying

the armies to be employed for the defence of the kingdom; and though for some time after he had no money for that purpose but what was given him by the states of France, yet we may really look upon this change as the beginning of the French slavery. However, for a long time after this, the kings of France could never prevail with their states to provide them with money for continually keeping up a numerous standing army; their armies were raised only when they had occasion for them, and as soon as the danger was over, their armies were dismissed; and yet, my lords, they had for some part of that time a pretender to their crown; our Edward the Third then claimed to be king of France, and he, my lords, was a very terrible pretender; yet even by that imminent danger they were then exposed to, they could not be induced to keep up a standing army; they never had any thing but militia, or troops raised as occasion required, and with these they at last banished the English quite out of their kingdom.

But as soon as the kings of France got thus free of an enemy within the bowels of their kingdom, they then took occasion of every foreign war that happened to encroach a little further upon the liberties of their subjects, to multiply taxes and tax gatherers upon them, and to get the armies of the kingdom more and more under their command; in all which they succeeded beyond expectation, by a most stupid indolence that then reigned among the nobility of France; and yet that nation still retained some remains of liberty, till a priest, cardinal Richlieu by name, gave their liberties the last stab. He indeed was a great minister, and a great politician: though he oppressed the subject at home, yet he not only supported but raised the grandeur of the nation abroad: he committed no blunders in his administration, nor did he submit to any foreign powers in the treaties and negotiations he had with them: and we may remember, that in his political testament, he left it as a maxim, that the king ought never to part with

any tax he has once got established, even though he has no use for the money; because by giving up the tax he loses the officers that are employed in the collecting thereof.

This great prime minister was succeeded by another priest, a foreign priest, who had all his bad qualities but none of his good; so that by his misconduct France was soon involved in a civil war: and it is said that one of the greatest men of France at that time, and one of the greatest generals of the age he lived in, told the queen regent, that she had a fellow at the head of her affairs, who for his crimes deserved to be tugging at the oar in one of her majesty's gallies. But the arbitrary power of the king of France had by his predecessor been so firmly established, that it could not be shaken even by the many blunders he was guilty of; the nation, however, was not yet rendered so tame, but that it was a long while before they would quietly submit to that cardinal's administration; and we must allow that even but lately there has a noble spirit of liberty broke forth in that country, such a spirit of liberty, my lords, as might probably reinstate the people in the full enjoyment of their former liberties and privileges, if it were not for the great standing army now kept up in that country.

In Denmark, my lords, it was their nobles that were the occasion of the loss of their liberties; they had for some time thrown the whole weight and charge of the government off of themselves, and had laid it on the necks of the commons; the whole expence of the public they had for some time raised by taxes which fell chiefly upon the poor people, and to which they contributed but a trifle; and the commons being quite tired out with these oppressions and unjust exactions, resolved at last to put the whole power into the hands of their sovereign; so that whilst the nobles were sitting and contriving ways and means how to load the poor tradesmen and manufacturers with such taxes as did not much affect them, they were sent for to the castle, and there

were obliged to join in that deed by which an absolute power was put into the hands of the king, who could not make a worse use of it than they had done. This was the method by which arbitrary power was established in Denmark; but it has ever since been supported only by a standing army.

In Sweden, my lords, their liberties were not only destroyed, but they were again restored by their army; in this last change, my lords, that country had the good luck to be most singularly happy; but how was that most strange and extraordinary turn of their affairs brought about? I have some reason to know it because I was in that kingdom* when it happened. The late king of Sweden, my lords, is well known to have been the darling both of his nobles and commons; he was so much the darling of the whole Swedish nation, that almost every man in it was at all times ready to sacrifice both his life and his fortune in his service, and therefore he had no occasion to model his army for any bad purpose; he had employed none as officers in his army, but the nobility and quality of the kingdom, or such whose merit and services fully entitled them to whatever preferment they were honoured with by him. His prime minister, however, got at last too great an ascendant over him, baron Gortz I mean, my lords, who was a man of no high birth, nor any super-eminent qualities; yet by his cunning he got such a power over his master, that nothing was done without him, no post, civil or military, was bestowed but according to his direction; the men of the best quality in the kingdom, the greatest generals in the army, were obliged to submit, and to sue to him even for that which they were justly entitled to; if they shewed him the least neglect, they immediately lost all interest about the king; if any one of them disobliged the first minister, he might perhaps be allowed to keep his post in the army, he was made use of when they had occa-

* Lord Carteret was minister in Sweden in 1719.

sion for his venturing his life with them; but from the moment he disobliged the king's prime minister, he could not so much as make a subaltern officer; on the contrary, his recommendation was a sure bar to any man's preferment.

The nobility, the generals, all the chief men in the army, were sensible of the slavery they lay under, and were resolved to free themselves from it, if possible; but their government was then absolute; there was no way of coming at relief, but by making their king sensible of the discredit that accrued to him, by allowing himself to be so much under the management of any one man. They knew their king to be a man of judgment and penetration, and therefore a great number of them resolved at last upon venturing to present a memorial to him upon that head. This memorial, my lords, was actually drawn up and signed, and was ready to have been presented, when that brave king was killed by a random shot from Frederickstadt, which he was then besieging.

If the king had lived to have received this memorial, we cannot judge what might have been the consequence: notwithstanding its being signed by so many of the nobility and chief commanders, notwithstanding the king's judgment and penetration, his affection for his minister might have got the better of the respect he owed to such a number of his nobility and generals; and if so, as he was a most absolute prince, the memorial would have been doomed to be a seditious and treasonable libel, and some of them would certainly have paid with their heads for their presumption; but the king's death rid them of this danger, and the prime minister who had done so many ill things, was immediately seized, tried, condemned, and executed under the gallows.

By this piece of public justice, the nobles and the generals of the army, whom he had principally offended, were satisfied; they did not desire to pursue their vengeance farther than the grave; but, my lords, the clergy

of that kingdom, those men who but a few weeks before were his most humble slaves, those men who would have deified him if the christian religion had not stood in their way, they had a mind to shew a superior degree of zeal—they petitioned in a body that his corpse might be buried under the gallows.

By the king's death the slavish dependence of the army was at an end; there was then no one man who could pretend to any absolute sway over the army; and as it was generally commanded by the nobles of the kingdom, they had it fresh in their memories what inconveniences both they and the whole nation had been subjected to by the absolute and uncontrolable will of their former king; as there was no one of them that could have any hopes of succeeding to his arbitrary power, therefore they all resolved to put both the government of the kingdom, and the command of the army, upon a new and very different footing. As to the government of the kingdom, they established a limited monarchy, and finding that they must necessarily keep up a standing army to defend their large frontiers, they therefore resolved, in order that the army might not be entirely dependent on the crown, that the officers thereof should have their several commissions *quamaiu se bene gesserit*. This regulation, a nobleman of the country told me, they took from the regulation we have in England with respect to our judges.

It is, my lords, a wise and a necessary regulation; it is a regulation that ought in every country to prevail, wherever a standing army makes a part of their constitution. In all such countries the officers' commissions ought certainly to be *quamdiu se bene gesserit*, and preferments ought to go in course according to seniority, some few cases excepted: for it is hard that a gentleman who has nothing but his commission to depend on for his daily bread, should be obliged either to forfeit his commission or his hopes of preferment in the army, or otherwise to do what he knows to be inconsistent with the law and liberties of his country.

I hope, my lords, that a standing army will never come to be a part of our constitution; but if ever it does, I will say that without such a regulation as I have mentioned, we shall then have nothing to depend on for the preservation of our liberties, but the honour of the army, the integrity of the clergy, and the vigilance of the lords.

From what I have said, my lords, it is apparent that a numerous standing army must always be of dangerous consequence to the constitution of this country; and I leave it to every man to judge, whether we ought to expose our constitution to such a danger, for the pretended apprehensions of any insurrection at home, or of any invasion from abroad? As to insurrections at home, we are in no danger of any such as long as his majesty reigns in the hearts and affections of the generality of his subjects; and as to invasions from abroad, I think the little success the many designed invasions, mentioned by the noble duke, have met with, is an unanswerable argument for shewing us that we ought not to be under great apprehensions of any such in time to come; and that we ought not to subject ourselves to any thing that may be in the least dangerous to our constitution, for the sake of a danger which experience has shewn to be so very inconsiderable.

If we should ever be threatened with a formidable invasion, we should have time to increase our army to any number we pleased; we should even have time to discipline that army before we could be attacked by any great force, and thereby we should be in a condition to defend ourselves at land, if our enemies should have the good luck to escape our fleets at sea: and as to any small and unforeseen invasions, if ever any such should be intended against us, they may probably meet with the same fate that the former have done; but if they should meet with better luck, if they should come safe to land, they could not bring above five or six thousand men; our fleets would prevent their being rein-

forced; and surely, an army of twelve thousand men in Great Britain, and another of equal number in Ireland, would be sufficient to give a good account of any such contemptible invaders.

It is not now, my lords, proposed to disband our army entirely; it is not proposed to throw out the bill now before us; we are for keeping up as great a number as may be necessary for preserving the peace and quiet of the kingdom; but we are against keeping up such a number as may be dangerous to our constitution. Though the lords who were last year for a reduction, voted against the passing of the then mutiny bill, 'tis not from thence to be concluded, that they were against any mutiny bill, or any number of regular forces; they were against the whole bill as it then stood; but if that bill had been thrown out, another might have been brought in according to their liking, and that new bill would then have been unanimously agreed to.

EARL OF ILAY.

His Speech on the same.

My Lords,

WHATEVER some lords may be pleased to say about an army continued from year to year by parliament, there is certainly a very great difference, my lords, between such an army, and an army continued at the sole pleasure of the crown. It has, I think, been granted on all hands, that while our army is commanded by such officers as it is at present; while men of fortune and figure have the command of the army, our liberties are secure; but it is said, that these officers may be turned out; this army may be so modelled and garbled, as to

be made fit for any bad purpose. This, my lords, I shall easily grant might be done, if our army were to be established for any number of years. If it were to be continued at the sole pleasure of the crown, an ambitious prince might be able to model it so as to make it subservient to his arbitrary views; but while it is continued only from year to year by parliament, this is impossible to be done. It is no easy matter to model an army so as to make it fit for such purposes; we know how difficult it is to know the private sentiments of men's hearts; in such cases men often conceal their real inclinations under the cloak of a feigned zeal for the direct contrary opinion; which would make it very difficult for a government that had any designs against the liberties of the people, to know what officers were to be turned out, or who were proper to be continued, or to be put in the room of those turned out. It would be impossible to accomplish this in a year's time, and if any such practices were begun, if any steps should be made towards modelling the army for a bad purpose, the parliament at their next meeting, would most certainly take notice of it, and would apply a proper remedy before it could be possible for any prince or administration to make the wound incurable; and therefore, my lords, I must still be of opinion, that our army, while it is continued from year to year by parliament, cannot be of the least ill consequence to our constitution, were it much more numerous than what is now proposed.

On the other hand, my lords, the danger of reducing any part of our army is very great. We know that such reductions have often been attended with designed invasions or insurrections against the government; this is a danger we know by experience, and therefore, in common prudence, we ought not to come into any measure by which our country may be again exposed to such a danger. It is probable that none of those invasions lately intended against us would have been successful, though they had got safe ashore; I hope no such ever

will; but every one of them, if they had landed, would have thrown the nation into terrible convulsions. Is then, my lords, the peace and quiet of our country of no consideration? Shall we expose our country to frequent alarms and confusions, for the sake of avoiding an imaginary danger—a fear which can have no foundation, as long as our army is continued only from year to year by parliament?

We know, my lords, that there is a party in the nation disaffected to the government; there always will, I am afraid, be such a party; and they, or at least a great many of them, will always join any invasion that can be made upon us. Even out of charity to them, we ought not to afford them any hopes of success by disbanding a part of our army; while they have no hopes of success, they may grumble a little in private, but they will never venture to rebel openly against the government; and while they continue in a peaceable state, they may live easily as subjects; they will at least preserve their lives and estates from being forfeited by the law: whereas, if we reduce our army, it will encourage foreigners to invade us; it will encourage the disaffected to rebel against the government; the nation will never be free from alarms; and we must be every now and then executing, or at least forfeiting some of our countrymen, perhaps some of our relations.

EARL OF BRISTOL.

His Speech on the same.

My Lords,

I HAVE often heard the present argument debated in parliament; I was one of those who were the cause of the army's being reduced so low after the peace of Rys-

wick; perhaps I repented of what I did at that time, because of the turn that the affairs of Europe took soon after. But I am fully convinced, I shall never have occasion to repent of being for the reduction now proposed. For my part, my lords, I cannot but say, that the question now before us, puts me in mind of what happened to a farm house of mine in the country. The wall of the house upon one side had failed, and the house had sunk a little; yet it might have stood for many years without any necessity of pulling it quite down in order to be rebuilt; for which reason, I believe, I should have then contented myself with repairing it a little, and adding some buttresses to that wall which had failed; but some workmen persuaded me that they could raise it up, and repair the wall without pulling the house down; and I being prevailed on, to work they went; but in planting posts and other engines to raise up that side which had sunk, I do not know how, whether by design, or by the unskilfulness of the workmen, they raised the house so high on that side, that they tumbled it quite over.

MR. HORATIO WALPOLE.

His Speech in Reply to some Animadversions thrown out against the Ministry by Mr. Pulteney.

Sir,

The honourable gentleman who spoke last, ended his speech with saying, that he would not willingly fling the first stone; but it seems he had then forgot what he had said but a very little before, by which, if he did not fling a stone, he at least, in my opinion, threw a very great pebble at the whole house. After having told us that it was not allowable to say any thing against what was done by the majority of this house, he said, that there were, notwithstanding, some methods of speaking, which were not against order, and by which gentle-

men might be made to feel that an answer might be given to what the majority thought unanswerable; then he talked of scandalous things having been done in former parliaments by a corrupt majority. Now, sir, I would be glad to know how this house can feel any thing what is said of the former parliaments, unless it be meant that the present parliament is of the same nature with the former parliaments talked of? This, sir, as I have said, seems to be a very great pebble thrown at the whole house; besides the dirt he had before flung at the supposed author of a pamphlet lately published, whom he took care to describe so particularly, that I believe every gentleman thinks the author, or at least the supposed author of that pamphlet, is now speaking to you; but I can freely declare that I am not the author of it; I have indeed, read it, and I believe the greatest quarrel that gentleman and his friends have with it is, that they do not know how to answer it.

The honourable gentleman likewise mentioned the case of a patient and his physician; but I leave the world to judge who most deserve the appellation of quacks; they who have the proper degrees, and who practise in a regular manner; or that gentleman's friends, who have been for some years past dispersing their quack bills round the country, exclaiming against all those in the regular practice, and endeavouring to persuade people in good health, that they are in a dangerous condition, and that if they do not immediately discharge all their regular physicians, and swallow their quack powders, they must inevitably perish.

But, sir, to be serious, as the gentleman said upon this subject, though I cannot think that the subject now before us is so serious as he would represent; if those gentlemen would fairly and openly enter into the consideration of the state of the nation, I will defy that gentleman, or any other gentleman, to shew that those in the administration have acted any part, or entered into any measures but that were, at the time they were

transacted, the most consistent with the interests of Great Britain of any that could be then thought of, or entered into. Gentlemen may give to the present administration the name of a shifting administration; gentlemen may say that they have wheeled about from court to court; but upon enquiry, it will appear that they have never shifted or wheeled, but when the interest of their country required it; and that if there has been any shifting or wheeling, it was always owing to a change of the measures at other courts. As long as any power in friendship or alliance with us, continued to act agreeably to the interests of Great Britain, so long we continued firm to them; but when any of them began to enter into measures which were directly opposite to our interest, we then likewise changed our measures, and had recourse to other powers, who from that moment became our more natural allies. This, sir, has been the method always observed by those in the administration; but I know who they are who have shifted and wheeled with quite another view than that of the interest of Great Britain; when we were in friendship with France, they were caballing with the ministers and agents of the emperor; when the face of affairs changed, and our friendship with the emperor was restored, they then caballed with the ministers and agents of France; and thus they have been always in the greatest friendship with those who have been most at enmity with their native country.

* * *

In short, sir, I find that those gentlemen who call themselves patriots, have laid this down as a fixed principle—that they must always oppose those measures which are resolved on by the king's ministers; and consequently must always endeavour to shew that those measures are wrong; and this, sir, I take to be the only reason why they have been as yet so silent as to a certain subject, in which the interest of their country is very much concerned. Their language at present is, as I suppose, 'Do not let us declare our opinion, let us

wait till we know what part the ministry takes, and then let us endeavour to shew that they ought to have acted quite otherwise.' If I may be allowed to use a low simile, they treat the ministry in the same way as I am treated by some gentlemen of my acquaintance, with respect to my dress: if I am in plain clothes, then they say I am a slovenly dirty fellow; and if by chance I have a suit of clothes with some lace upon them, they cry, What, shall such an awkward fellow wear fine clothes? So that no dress I can appear in can possibly please them. But, to conclude, sir, the case of the nation, under the present administration, has been the same with what it always has been, and always must be: for to use another simile, which my worthy friend over the way, whom I have in my eye, will understand, as long as the wind was fair, and proper for carrying us to our designed port, the word was steady—steady; but when the wind began to shift and change, the word came then necessarily to be: thus—thus, and no nearer.

MR. CAMPBELL,

(Member for Pembrokeshire)

He seems in this debate to have steered clear of any thing like common sense, with such dexterity, that it would be no difficult matter to pronounce him more knave than fool. A man cannot be so ingeniously in the wrong by accident. There is a striking resemblance between the arguments here used, and some that have been brought forward on more recent occasions. Change the form, the names, and the date, and in reading this, and the following speech, you would suppose yourself to be reading the contents of a modern newspaper. It is astonishing how trite, how thread-bare this subject of politics is worn; how completely every topic relating to it is exhausted; how little is left for the invention of low cunning to plume itself upon, or for honest ambition to boast of! Those who have it in their power may very wisely devote themselves to politics, either to serve their own ends, or to serve the public: but it is too late to think of acquiring distinction in this way. A man can at present only be a retail dealer

in politics: he can only keep a sort of huckster's shop of ready made goods. Do what he can, he can only repeat what has already been said a thousand times, and make a vain display of borrowed wisdom or folly. "'Twas mine, 'tis his, and may be any man's." What gratification there can be in this to any one, who does not live entirely in the echo of his own name, I do not understand. I should as soon think of being proud of wearing a suit of second hand clothes, or marrying another man's cast-off mistress. In the beaten path of vulgar ambition, the dull, the mechanical, the superficial, and the forward press on, and are successful, while the man of genius, ashamed of his competitors, shrinks from the contest, and is soon lost in the crowd.

His Speech against a Bill to prevent officers of Government from sitting in Parliament.

Sir,

In my opinion, this bill is one of the most extraordinary and most unreasonable bills I have ever seen brought into parliament. It is, I think, not only unreasonable, but in several respects unjust. For, as to the electors, the people of Great Britain, it is certain that they are the best, and indeed, the only proper judges, who are the most capable, and the most proper persons to represent them in parliament; and for us to pretend, by a law, to lay a restraint upon them in their choice, is certainly doing them very great injustice. If the people, the electors of any shire, city, or borough, make choice of a gentleman to represent them in parliament, who has an employment in the government, that very choice is a sufficient proof that they do not think the service of their country in parliament, and the service of the crown, incompatible. And the law has already wisely provided, that in case any gentleman accepts of a place, or an employment in the government, after he has been chosen a member of parliament, his seat in parliament shall thereby be vacated; he must return to his county, city, or borough, to be re-chosen, and if they again choose him,

it is a certain sign that they continue to think him the most proper person to represent them, notwithstanding his having accepted of a place or employment under the crown. Then, as to the gentlemen who are now, or may hereafter be in offices, civil or military, under the crown, it is certain that they generally are gentlemen of families, and many of them have very large properties in their country. Have not they, therefore, as good a right to stand candidates for being chose members of parliament, as any of those gentlemen who are out of employment? And if the people do them the honour to choose them, why should we, by a law, deprive them of that honour, which the people have thought fit to confer upon them? Is it not robbing them of a part, at least, of those rights which they have a just title to as Englishmen, or as free Britons?

'By this bill I must likewise think there is a very great piece of injustice done to the crown. I cannot but think it a very extraordinary thing to put such a mark of disgrace upon all the officers employed by the crown, as to exclude them from the right of having seats in parliament, and that for no other reason but because the king has thought them worthy of serving their country in some office, civil or military, under him. It is really not only putting an affront upon his present majesty, but even upon the crown itself, and rendering it impossible for our government to subsist under its present form; for if such an ignominy shall be put upon all those who shall accept of any employment under the crown, as to render them incapable of serving their country in parliament, which is one of the highest honours a gentleman can have in this country, what gentleman of family or fortune, of honour or capacity, will accept of any employment under the crown; and thus, by rendering it impossible for the king to get any man of family or fortune, or honour or capacity, to serve under him, you will render it impossible for our government or constitution to subsist under a monarchical form.'

Should the bill now before us pass into a law, I think it is easy to foresee the consequence. It would bring the house of commons into the highest contempt; or it would bring all those gentlemen, who accept of any office in the government, civil or military, under contempt. It is natural for every man to endeavour to render contemptible, that honour, that post, or that thing, which he knows he cannot attain to. The gentlemen of the army, the navy, or in civil office, knowing that by law they were all absolutely excluded from the honour of having seats in the house of commons, would all join together in endeavouring to render the house contemptible in the eyes of the people; and we need not doubt but that the clergy would join with the rest, because I think they are already excluded. On the other hand, the gentlemen of the house of commons, and those who might continue to be eligible into this house, would endeavour to support the honour of this house, by endeavouring to render contemptible all those who accepted of any post or employment, either in church or state. Is it not much to be feared, that such an unnatural division as this might, in the end, prove fatal to the constitution? For the success of either party would certainly overturn our present form of government.

I will not say, but the country gentlemen are very proper representatives of the people; and I believe the majority of this house will always consist of such, as it has formerly done; but I believe it will be granted me, that it is necessary, for dispatching the business that properly comes before this house, to have likewise some of those gentlemen among us, who belong to, and are acquainted with the manner of transacting business in the several great offices under the government. Every gentleman who has been but a short time in this house, and has attended to the several sorts of business that have come before us, and the several sorts of papers and accounts, we have from time to time found it necessary to call for, must have taken notice that the house

would have been sometimes greatly bewildered, if we had not had some gentlemen among us belonging to the public offices, capable of explaining to the house the matters which we then happened to have under our consideration; which must convince every man of the necessity of having some such gentlemen always amongst us. If, indeed, there were reason to suspect that gentlemen in offices were, by their enjoying such offices, any way influenced in their way of acting or speaking in this house, it might then be necessary to contrive some way of preventing that influence for the future; but as I am convinced that a man's being in an office, does not in the least influence his way of thinking, or his manner of acting in this house;* I therefore think we have no occasion for contriving any such remedies at present, and far less for such an extraordinary remedy as is proposed by the bill now before us; for which reason I am against committing it.

SAMUEL SANDYS,

(Member for Worcester,)

Was one of the most frequent and able speakers of this period, What *his principles* were I do not know: for the side which any person took at this time, was a very equivocal test of his real sentiments; toryism, through this and the preceding reign, generally assuming the shape of resistance to the encroachments of the prerogative, and attachment to the liberties of the people.

His Speech in Reply.

Sir,

As this bill met with no opposition, either when it was moved for, or when it was brought in and read the first

* This is an entirely new view of human nature, different from any that has been hitherto commonly received!

time, I was very little apprehensive that we should have had any debate upon it; and much less was I apprehensive that our going into a committee upon it would have been opposed: for as yet it can be called little more than a blank; it cannot well deserve the name of a bill, till it has gone through the committee, where the many blanks which are now in it, are properly to be filled up. I was, indeed, surprised to hear the worthy gentleman who spoke last, say that he thought it the most extraordinary and unreasonable bill he had ever seen brought into this house: for if the gentleman will look into our journals, he will see that this very bill has been often brought in, and has almost always been passed in this house; and I am sure, if ever it was thought reasonable by this house, it must now be thought much more so, when the number of placemen is much greater than it was ever heretofore. The worthy gentleman has likewise told us, that he thinks the bill unjust, both with respect to the crown, the people, and the gentlemen who have the honour to be employed by the crown; as to which I shall take notice in general, that, by the same method of reasoning, he may pretend to shew us that all the laws that were ever made for regulating elections were unjust, and were encroachments upon the rights of the people. I shall readily agree with him, that the people are the properest judges who ought to be chosen by them for representatives in parliament; and I am confident, that were they left to a free choice, we should not see so many civil and military officers brought into parliament.

The people, I believe, would always think themselves more secure in being represented by country gentlemen, with whom they are well acquainted, and who can have no interest separate from them, than by clerks of offices, or such other persons, whom they perhaps never saw or heard of before they came down to be chosen their representatives, and whom, probably, they may never see again till they return to ask the same favour; which every gentleman here knows to be often the case with

many of our little boroughs in England. But to say that it would be any injustice in us, to lay any restraint upon the people, as to the choice of their representatives, seems to me very extraordinary, when we consider the laws now in being, by which the people are restrained from choosing any gentleman for their representative, who is not possessed of such an estate. Surely, we may, with respect to elections, without being guilty of any injustice, lay what restraints we think necessary for the good of the public, and the preservation of our constitution; and I am sure, that whatever is for the benefit of the people, cannot be justly said or thought to be injurious to the crown. It is extraordinary to say that what is proposed by this bill, would be an injustice done to those who are thereby to be made incapable of being elected; for have not we already a law by which all the officers concerned in the collection of the customs or excise, are rendered incapable of being chosen members of parliament? And yet I have never before heard it urged that there was any injustice done to those gentlemen, by excluding them from having seats in parliament, as long as they are in an office, which is inconsistent with their being members of this house.

I will allow, that the choice made by the burgesses of a little borough, or by the freeholders of a county, if it falls upon an officer, civil or military, shews that the majority of those electors, at that time, did not think the office he then enjoyed, incompatible or inconsistent with his being their representative; but I hope it will not be said, that the burgesses of a little borough, or even the freeholders of a county, are better judges in this respect than the representatives of the whole people of Great Britain met in this house, especially when the opinion of this house is approved of, and confirmed by the other two branches of our legislature. As to the alternative pretended, that if this bill should pass into a law, it would render either the officers, civil and military, contemptible, or this house contemptible in the eyes of the

people; I cannot imagine how it could produce either of these effects; for as to the officers, civil or military, is it to be imagined that a successful general or admiral, a brave and experienced captain by sea or land, or a civil officer, honest expert, and diligent in the station he is in, would be contemned because he was not capable of being a member of this house? Were the clergy ever brought into contempt by their being excluded the privilege of being chosen members of parliament? On the contrary, I believe they never got any honor by being members of either house; and I believe there are very few officers, either civil or military, in the kingdom, who ever gained much honour, or much repute among the people, by their being members of either house of parliament, unless when their being such was the occasion of their being turned out of the offices they enjoyed, and might have continued to enjoy, to their own honour and the advantage of their country, if they had not been members of parliament. As to the other part of the alternative, that this house may be rendered contemptible by what is now proposed, I am not in the least afraid of it; but I am very much afraid, that if some bill of this nature is not speedily passed into a law, this house will become contemptible in the eyes, not only of our own people, but of the whole world.

Gentlemen may pretend that no man is influenced in his way of thinking, or in his manner of acting in this house, by the post or office he possesses, and may be turned out of whenever a prime minister may have a mind; but while men are men, I am convinced there will always be a great number, by far, I fear, the greatest number, who will rather vote according to the direction of the prime minister for the time being, than run the risk of being turned out of the lucrative post or office they hold, at the pleasure of the crown. And if ever a majority of this house should happen to be composed of such men, I am sure it will become as contemptible as ever the senate of Rome was, after it be

came the political tool of their arbitrary and tyrannical emperors. I will likewise agree with the honourable gentleman, that it may be necessary, at least it may be convenient for this house, always to have in it some of those gentlemen who belong to, and are conversant in the methods of transacting business in the several great offices of the kingdom; and therefore I am not for excluding from seats in parliament all those who are in office, civil and military; I believe no gentleman in this house ever had any such thought in his head; and if gentlemen will but peruse the bill as it stands now, they will see that there is to be an exception, which is now left blank, as in all such cases is usual; in order, that when we go into a committee, gentlemen may then propose the filling up in that blank as many offices, or as many sorts of offices as they have a mind. About this, indeed, I expected there might have been some debate; but considering the great number of officers of all sorts we have now in this house; considering how greatly that number may be increased in time to come; considering the great clamour already raised in the nation against so many officers being in this house, I really did not expect that any gentleman would have opposed the committing of the bill, or would have pretended that the passing of some such bill was not now become necessary both for the honour of this house and the safety of our constitution. To conclude, the bill is at present but a blank; but I am confident it may be made a good and a reasonable bill, and agreeable to every gentleman in this house. Therefore I hope the house will agree to the going into a committee upon it; because, if gentlemen do not like it after the blanks are filled up, they may then drop it, or throw it out upon the third reading.

PHILIP DORMER STANHOPE,

(Earl of Chesterfield.)

Was born in 1694. He was educated at Cambridge, after which he went abroad, and on his return to England, became a member of the house of commons. In 1726 he succeeded his father in the house of peers. He was appointed lord lieutenant of Ireland in 1745, where he continued till 1748. He died 1773. I have given a greater number of his speeches than of any person's about this time, because I found them more ingenious, and amusing, and elegant, than any others. They are steeped in classical allusion; and he seems always anxious to adjust the dress, and regulate the forms of the English constitution, by the looking-glass of the Roman commonwealth. There may be a little sprinkling of academic affectation in this, but it is much more agreeable than the diplomatic impertinence and official dulness, which were at that time so much in vogue His speeches are, in this respect, a striking contrast to those of Pulteney, Pitt, Pelham, &c. It has been said that they want force and dignity. If it be meant that they are not pompous and extravagant, I shall admit the truth of the objection. But I cannot see why ease is inconsistent with vigour, or that it is a sign of wisdom to be dull If his speeches contain as much good sense, and acute discrimination as those of his rivals, as clearly expressed, and seasoned with more liveliness of fancy, I should be disposed to listen to them more attentively, or to read them oftener than if, as is often the case, their strength consisted in mere violence and turbulence, and their only pretensions to wisdom arose from their want of wit. There is something very peculiar in the form of his sentences. He perpetually takes up the former part of a sentence, and by throwing it into the next clause, gives a distinctness and pointedness to every separate branch of it. His sentences look like a succession of little smart climaxes. "And, therefore, an administration without esteem—without authority among the people, let their power be never so great—let their power be never so arbitrary, will be ridiculed. The severest edicts—the most terrible punishments, cannot prevent it. If any man, therefore, thinks he has been censured—if any man thinks he has been ridiculed, upon any of our public theatres," &c. "As no man is perfect, as no man is infallible," &c. See his speech on the theatres. This method, is, I suspect, borrowed from the French: where it suits with the turn of a man's mind,

it is agreeable enough, and must have a very good effect in speaking. It is, at least, better than our modern style of rhetorical architecture, where the nominative case is mounted up at the top of the page, and the verb fixed at the bottom; than those circular ladders, and winding-staircases in language, where the whole hangs suspended in an airy round, and the meaning drops down through the middle. The late Mr. Pitt was a master of this involved style.

His Speech on the Princess Royal's Marriage Portion.

My Lords,

I do not rise up to oppose the bill before us, but I think it is incumbent upon me to declare, that it is, in my opinion, a most indecent thing to provide for the princess royal of England in such a manner: It is most disrespectful to the royal family, to provide a marriage portion for so illustrious a branch of that family in such a bill of *items*. Here is *imprimis*, 500,000l. for the current service of the year. *Item*, 10,000l by way of charity for those distressed persons, who are to transport themselves to the colony of Georgia. *Item*, so much, by way of charity for repairing an old church. *Item*, so much by way of charity for repairing a dormitory. And *item*, 80,000l. as a marriage portion for the princess royal of England. How incongruous is it, my lords, to see such a provision come in by way of *item* among so many other *items*, many of which are for charitable uses!

In duty to the family of which that royal princess is descended, out of that regard and esteem which we ought to have for her, and which she so much deserves, not only from us but from the whole world, her marriage portion ought to have been provided for in a particular bill by itself; no foreign matter ought to have been mixed in such a bill. Your lordships were so careful in that respect, that, when you were about drawing up

an address of thanks to his majesty for communicating to this house the intended marriage of the princess royal, you would not receive a few words which were offered by way of compliment to the states general, and which might very properly have come into that address, because you were resolved to put nothing into the address that was any way foreign to the intended marriage, which his majesty had been pleased to communicate to you.

As I am resolved not to oppose this bill, therefore, my lords, I shall not say any thing to the method of tacking made use of upon this occasion; nor shall I now object against the means made use of for providing for the current service of the year; but both ought certainly be taken notice of, and I hope your lordships will, upon this occasion, come to some resolutions which may tend to prevent the like practices for the future.

DUKE OF NEWCASTLE.

His Speech on the Army Regulation Bill.

My Lords,

As I shall certainly give my vote against the second reading of this bill, I must beg leave to give some of my reasons for so doing. I must be of opinion, my lords, that it will always be proper to leave in his majesty a power of removing the officers of the army at pleasure, in order to preserve that respect and obedience which is due from them to their king; but I am the more firmly of this opinion, when I consider, that there is at present a pretender to the crown of these realms; for while there is such a misfortune hanging over us, we

may conclude, that there will always be plots and contrivances in this kingdom against the person in possession of the throne; and while there is a pretender, he may have, without all doubt, his agents in the army, as well as he has every where else: under such circumstances it is not to be doubted, but that some of the officers may, at some time or other, be drawn away from their duty to their king and country; some of them may happen to be misled, and drawn into engagements against his majesty's person and government; and while his majesty is in such danger, shall we put it out of his power to remove those officers from their commands in the army, though he has certain information of their being in a plot to overthrow his government, perhaps even to take away his life?

This, my lords, his majesty may have most certain information of; the officers concerned in such engagements may be made known to him, beyond all doubt or contradiction, and yet the proofs may be such as would not prevail upon a court martial to condemn their brother officer to death, or even to be broke; or they may be such as could not properly, at least at that time, be laid before a court martial; because, if they were laid before any such court, the informers, and all the other methods by which the plot was at first discovered, and the whole progress of it traced, must then become publicly known, by which all further discovery would be effectually prevented; and if the bill now presented should pass into a law, his majesty would be under a necessity of laying all these proofs immediately before a court martial, or of allowing such treacherous officers, perhaps even one of his chief generals, to continue in command, by which they might probably be enabled to render their conspiracies successful. For which reason I hope, that none of your lordships will approve of this bill, when you consider how dangerous it may prove to be for our present happy establishment, and how much it may weaken the hands of the government against any

attempts that may hereafter be made in favour of the pretender.

Besides this, my lords, there are many other cases which might be mentioned, wherein his majesty might have very good reason to remove an officer, though it would not be at all proper to make that reason so public as to lay it before a court martial. There are likewise many little crimes which an officer may be guilty of, and for which he might highly deserve to be removed, and yet these crimes may be such as could not well come under the cognizance of a court martial; at least it would not be possible to obtain a sentence of a court martial for the removing of such an officer: for when gentlemen sit in judgment upon a brother officer, in order to determine whether he ought to be broke or not, it is to be supposed that they will not pass judgment against him, unless some very enormous crimes be fully proved before them; which would make it impossible to keep up that strict discipline and regular subordination, that must be observed in all regular armies, or indeed in any army fit for service, or that may be depended on for the defence of a country.

I must indeed say, my lords, that if any attempts had ever been made towards modelling the army, and making it fit for any bad purpose, there might then have been some occasion for proposing such a bill as this now before us; but as no such attempts have ever been made, as no such attempts can be so much as apprehended from his present majesty, I am therefore surprised to hear such a bill so much as proposed in this house, at present. I am sure the passing of such a bill, at present, would be a subjecting of the nation to many great and certain dangers and inconveniences, for the sake of avoiding an inconvenience that has never been felt by any, but in imagination; and for this reason I must be against giving the bill a second reading.

EARL OF ANGLESEA.

His Speech on the Motion for the Removal of the Duke of Bolton and Lord Cobham from their Regiments.

My Lords,

I VOTED for the bill, which your lordships have been pleased to reject; and I voted for it, because I heard what I thought very strong and convincing arguments offered for it, and not the least shew of argument against it. What the noble duke was pleased to take notice of, was a very good argument for offering an amendment to the bill, but it was no argument against the bill itself, and much less against the second reading of it. It is certain, that men are sometimes guided by their hopes, as well as by their fears; but, surely when the hopes of preferment, and the fears of starving, are put together in the scale against virtue and conscience, they will jointly weigh more heavily, than either of them would do separately. I cannot allow, that every man, who may be governed and directed in his way of acting and speaking, by the fear of starving, will likewise be directed by the hopes of preferment, or the hopes of a more lucrative post or employment; for he must have a small share of virtue, and a very great share of ambition or covetousness, who is directed to act against his conscience, by the single hopes of preferment, or the hopes of a more lucrative post or employment. And it must be granted, that there are many men, who have so little ambition or covetousness, that if they are but made

sure of a moderate support for life, the hopes of preferment, or the hopes of adding to their yearly income, will have so little effect upon them, that, with even but a small share of virtue, they may hold out against the most alluring hopes: but it must be allowed, that the man who stands his ground against the fears of being reduced to a starving condition, as well as against the hopes of preferment, and adding to his yearly income, must have a very great share of virtue; a greater share, I am afraid, than most men can brag of in this degenerate age. As for those who are quite abandoned, and governed entirely by their own selfish ends, I believe it is not possible to make them honest or virtuous; but surely there are degrees both of vice and virtue. All men are not equally vicious; and if we could, by the bill's being passed into a law, but have preserved the virtue of some, it would certainly have been worth our while; we could afterwards have amended it, if we had found, that what was done was not sufficient.

As to the address now proposed, I cannot see, my lords, how it is possible that an humble address from either house of parliament can be deemed an attack upon the prerogative of the crown. His majesty, or any of his successors, may make what use they please of any of the prerogatives of the crown; but it is certain, that if ever any bad use is made of those prerogatives, the parliament has a right, nay, it is their duty, to inquire into it, and to desire his majesty to acquaint them who it was that advised him to take such a step. This has always been the practice of parliament, as to every prerogative that was ever claimed by the crown. This is the very case now before us: his majesty has made use of his prerogative in removing two noble lords from their commands in the army. These removals have occasioned a most universal complaint through the whole nation, because it is generally believed, that there were no sufficient or good reasons for removing them; and as it is the duty of this house to take care, that his majesty

shall not by any step he may be advised to take, incur the general censure of the people; therefore this general complaint that has been raised, is a most sufficient foundation for the address now proposed. His majesty's conduct is no way concerned in the question, it is only the conduct of those who advised him; if they advised him well, they will be justified by what is now proposed; if they advised him ill, they certainly deserve at least the censure of this house: but to tell us that his majesty's conduct is, or can be concerned, in any such question, is directly to tell us, that the parliament of Great Britain shall never inquire into any thing, that their king shall be pleased, by the advice of his ministers, to do.

As to the number of those who have been removed, it is of no signification in the present question; the cause of removal is what your lordships are to inquire into: for if those two noble lords were removed only as an example to others, one example may serve to keep hundreds in awe; and if that example was made, only to serve a ministerial end, it may be of the most fatal consequence to our constitution. For this reason I shall be for the address moved for. The motion may perhaps be rejected by a majority of this house; but if it be rejected, the whole world will be convinced, that those two noble lords were removed from their commands in the army, for no cause; at least, for no cause that can well be publicly avowed.

SIR JOHN ST. AUBIN,

(Member for Cornwall,)

Was one of that phalanx of ability and energy, that regularly withstood the insiduous encroachments, and undermining influence of Walpole's administration. Their motives for this were no doubt various; but the knowledge, the soundness of understanding, the firmness and perseverance they displayed in pursuit of their object, connot be too much admired, and have never been surpassed. The great questions which had occupied men's minds from the time of the revolution, and which still continued to agitate them as much as ever, the interest in them being kept alive by the doubtful issue of the contest, had given them a manly tone, a solidity and fervour which could hardly be produced in any other circumstances. I may say that men's minds were never so truly English as they were at this period. Even the leaven of Jacobitism, which was mingled up with the sentiments of many of the party, must have contributed to add a zest, a poignancy, a bitterness of indignation to their opposition to that overbearing influence, and despotic sway, for the undue exercise of which they had seen a family, to which they were strongly attached, driven from the throne. The principles of liberty assented to by both parties, also gave a freedom and animation to the debates of this period, and an advantage in attacking any unconstitutional or unpopular measure, which nothing but the great abilities of the minister, aided by the general confidence in the government, could have resisted so long as they did. The following speech of sir J. St. Aubin, has been often referred to, and it is one of the most elegant and able compositions to be found in the records of the house of commons.

Sir John St. Aubin's Speech on the Triennial Bill.

Mr. Speaker,

THE honourable gentleman who made you this motion has supported the necessity of it by so many strong and forcible arguments, that there is hardly any thing

new to be offered. I am very sensible, therefore, of the disadvantages I must lie under in attempting to speak after him, and I should content myself with barely seconding him, if the subject matter of this debate was not of so great importance, that I should be ashamed to return to my electors, without endeavouring, in the best manner I am able, to declare publicly the reasons which induce me to give my most ready assent to this question.

'Tis evident from what has been said, that the people have an unquestionable right to frequent new parliaments by ancient usage, and that this usage has been confirmed by several laws, which have been progressively made by our ancestors, as often as they found it necessary to insist on this essential privilege.

Parliaments were generally annual, but never continued longer than three years, till the remarkable reign of Henry VIII. He was a prince of unruly appetites, and of an arbitrary will; he was impatient of every restraint; the laws of God and man fell equally a sacrifice, as they stood in the way of his avarice, or disappointed his ambition. He therefore introduced long parliaments, because he very well knew that they would become the proper instruments of both; and what a slavish obedience they paid to all his measures is sufficiently known.

If we come to the reign of king Charles I. we must acknowledge him to be a prince of a contrary temper; he had certainly an innate love for religion and virtue; and of consequence, for the liberty of his country.—But here lay the misfortune.—He was led from his natural disposition by the insinuations of sycophants and flatterers; they advised him to neglect the calling of frequent parliaments, and therefore, by not taking the constant sense of his people in what he did, he was worked up into so high a notion of prerogative, that the commons, in order to restrain it, obtained that independent fatal power, which at last most unhappily brought him

to his most tragical end, and at the same time subverted the whole constitution. And I hope we shall learn this lesson from it—never to compliment the crown with any new or extravagant powers, nor to deny the people those rights which by ancient usage they are entitled to; but to preserve that just and equal balance from which they will derive mutual security, and which, if duly observed, will render our constitution the envy and admiration of the world."

King Charles II. naturally took a surfeit of parliaments in his father's time, and was therefore extremely desirous to lay them aside. But this was a scheme impracticable. However, in effect he did so, for he obtained a parliament, which by its long duration, like an army of veterans, became so exactly disciplined to his own measures, that they knew no other command, but from that person who gave them their pay.

This was a safe and most ingenius way of enslaving a nation; it was very well known that arbitrary power, if it was open and avowed, would never prevail here. The people were therefore amused with the specious form of their ancient constitution: it existed indeed in their fancy, but, like a mere phantom, had no substance or reality in it: for the power, the authority, the dignity of parliaments were wholly lost. This was that remarkable parliament, which so justly obtained the opprobrious name of the Pension Parliament, and was the model, from which, I believe, some later parliaments have been exactly copied.

At the time of the revolution, the people made a fresh claim of their ancient privileges; and as they had lately experienced the misfortune of long and servile parliaments, it was then declared, that they should be held frequently. But it seems, their full meaning was not understood by this declaration; and therefore, as in every new settlement, the intention of all parties should be specifically manifested; the parliament never ceased struggling with the crown 'till the triennial law

was obtained; the preamble of it, which the honourable gentleman has recited, is extremely full and strong; and in the body of the bill you will find the word *declared* before *enacted*, by which I apprehend, that though this law did not immediately take place at the time of the revolution, it was certainly intended as declaratory of the first meaning; and therefore stands as part of that original contract under which the constitution was then settled. His majesty's title to the crown is primarily derived from that contract; and if, upon a review, there shall appear to be any deviations from it, we ought to treat them as so many injuries done to that title. And I dare say, that this house, which has gone through so long a series of services to his majesty, will at last be willing to revert to those original stated measures of government, to renew and strengthen that title.

But I think the manner in which the septennial law was first introduced, is a very strong reason why it should be repealed. People in their fears have very often recourse to desperate expedients, which, if not cancelled in season, will themselves prove fatal to that constitution, which they were meant to secure. Such is the nature of the septennial law; it was intended only as a preservative against a temporary inconvenience. The inconvenience is removed, but the mischievous effects still continue; for it not only altered the constitution of parliaments, but it extended that same parliament beyond its natural duration, and therefore carries this most unjust implication with it, that you may at any time usurp the most indubitable, the most essential privilege of the people, I mean that of choosing their own representatives; a precedent of such a dangerous consequence, of so fatal a tendency, that I think it would be a reproach to our statute book if that law was any longer to subsist, which might record it to posterity.

This is a season of virtue and public spirit. Let us take advantage of it, to repeal those laws which infringe on our liberties, and introduce such as may restore the vigour of our ancient constitution.

Human nature is very corrupt, that all obligations lose their force, unless they are frequently renewed. Long parliaments become, therefore, independent of the people; and when they do so, there always happens a most dangerous dependence elsewhere.

It has of late been denied that the people have a right of remonstrating to us. It has been called an unjustifiable control upon the freedom of our proceedings. But then let them have more frequent opportunities of varying the choice of their representatives, that they may dismiss such as have unfaithfully withdrawn their attention from them.

The influence of the crown is daily increasing: and it is highly requisite that parliaments should be frequently responsible to their constituents; that they should be kept under the constant awe of acting contrary to their interests. Modern history, I believe, will inform us, that some very dangerous attempts upon our liberties have been disappointed, not so much from the virtue of many in this house, as from the apprehensions they may have had of an approaching election.

It is true, there is a provision against such whose places vacate their seats here; but this is no guard against secret pensioners and placeholders. Give me leave to say, that the laws with respect to them are very insufficient; and as we were not allowed to make them effectual, the people have no other remedy but a new election. I think that long parliaments are a great hardship upon those, who may be excluded out of this house, and ought reasonably to take their turn; but seven years is the purchase of a man's life: it is equally hard upon such, whose private fortunes will not admit them to engage in so long and painful a service: it must be so to those, who mean no private view nor advantage by it.

I think, too, nothing can be of greater use to his majesty than frequent new parliaments; that he may often take the fresh sense of the nation, and not be partially

advised; for his measures will always have a greater weight, both at home and abroad, the more generally he refers himself to the opinion of his people.

A farther mischief of long parliaments is, that a minister has time and opportunities of getting acquaintance with members, of practising his several arts to win them into his schemes; but this must be the work of time; corruption is of so base a nature, that at first sight it is extremely shocking. Hardly any one has submitted to it all at once; his disposition must be previously understood, the particular bait must be found out with which he is to be allured, and after all, it is not without many struggles that he surrenders his virtue. Indeed there are some who will at once plunge themselves over head and ears into any base action; but the generality of mankind are of a more cautious nature, and will proceed only by leisurely degrees. One or two perhaps have deserted their colours the first campaign; some have done it a second: but a great many, who have not that eager disposition to vice, will not wait till a third.

For this reason, short parliaments have been less corrupt than long ones; they are observed, like streams of water, always to grow more impure, the greater distance they run from the fountain head.

I am aware it may be said that frequent new parliaments will produce frequent new expences; but I think quite the contrary. I am really of opinion, that it will be a proper remedy against the evil of bribery at elections; especially as you have provided so wholesome a law to co-operate upon those occasions

As to bribery at elections, whence did it arise? Not from country gentlemen, for they are sure of being chosen without it. It was the invention of wicked and corrupt ministers, who have from time to time led weak princes into such destructrive measures, that they did not dare to rely upon the natural representation of the people. Long parliaments first introduced bribery, because they were worth purchasing at any rate. Country gentlemen,

who have only their private fortunes to rely upon, and have no mercenary ends to serve, are unable to oppose it, especially if at any time the public treasure shall be unfaithfully squandered away to corrupt their boroughs. Country gentlemen indeed may make some weak efforts, but as they generally prove unsuccessful, and the time of a fresh struggle is at so great a distance, they at last grow faint in the dispute, give up their country for lost, and retire in despair. Despair naturally produces indolence, and that is the proper disposition for slavery. Ministers of state understand this very well, and are therefore unwilling to awaken the nation out of its lethargy by frequent elections. They know that the spirit of liberty, like every other virtue of the mind, is to be kept alive only by constant action; that it is impossible to enslave this nation whilst it is perpetually upon its guard. Let country gentlemen, then, by having frequent opportunities of exerting themselves, be kept warm and active in their contention for the public good. This will raise that zeal and indignation which will at last get the better of that undue influence by which the officers of the crown, though unknown to the several boroughs, have been able to supplant country gentlemen of great characters and fortune, who live in their neighbourhood. I don't say this upon idle speculation only; I live in a country where it is too well known; and I will appeal to many gentlemen in the house, to more out of it (and who are so for this very reason,) for the truth of my assertion. It is a sore which has been long eating into the most vital part of our constitution, and I hope the time will come when you will probe it to the bottom. For if a minister should ever gain a corrupt familiarity with our boroughs; if he should keep a register of them in his closet, and by sending down his treasury mandates should procure a spurious representation of the people, the offspring of his corruption, who will be at all times ready to reconcile and justify the most contradictory measures of his administration, and even to vote every crude indigested

dream of their patron into a law; if the maintenance of his power should become the sole object of their attention, and they should be guilty of the most violent breach of parliamentary trust, by giving the king a discretionary liberty of taxing the people without limitation or control, the last fatal compliment they can pay to the crown; if this should ever be the unhappy circumstance of this nation, the people indeed may complain, but the doors of that place where their complaints should be heard, will for ever be shut against them.

The power of the crown is very justly apprehended to be growing to a monstrous, I should have said, too great a size, and several methods have been unsuccessfully proposed for restraining it within its proper bounds.

But our disease, I fear, is of a complicated nature, and I think that this motion is wisely intended to remove the first and principal disorder. Give the people their ancient right of frequent new elections, that will restore the decayed authority of parliaments, and will put our constitution into a natural condition of working out her own cure.

Upon the whole, I am of opinion, that I cannot express a greater zeal for his majesty, for the liberties of the people, or the honour and dignity of this house, than by seconding the motion which the honourable gentleman has made you.

SIR WATKIN WILLIAM WYNNE,

Was member for Denbighshire. It cannot be denied that the following speech is a real and close examination of the question.

Sir Watkin William Wynne's Speech on the same.

Sir,

I am surprised to hear it insinuated by the honourable gentleman who spoke last, as if the motion now before us was made with a view to distress his majesty's government, or to disturb the peace of the nation. Such an insinuation is really not treating the gentlemen who have spoke in favour of the motion with that candour which one gentleman has reason to expect from another in this house, nor indeed can I look upon it as any compliment made to his majesty or his government. It is not to be doubted, but that his majesty, in all the measures he pursues, looks a little further than this house. It is not to be questioned but that his majesty looks for the approbation of the generality of his people, as well as the majority of his parliament; and while his measures are approved of by the generality of his people, frequent elections cannot surely bring any distress upon his government, but will greatly strengthen it, by shewing frequently to his majesty and to the whole world, the true sense of the generality of the people. As to the peace of the nation, we know by experience, that it was as well preserved by triennial parliaments as ever it was by septennial; so that the agreeing to this motion cannot disturb the peace, but the rejecting it may very probably have such an effect: for the generality of the people so earnestly desire to have triennial parliaments restored to them, that the refusing to comply with

their desire cannot but increase the number of the disaffected, which may at last throw all things into confusion, and may perhaps destroy that establishment to which we owe every thing that is dear to us.

I shall readily grant, sir, that ever since we have had septennial parliaments, our elections have been generally attended with distractions and confusion; but I cannot allow that this would be the case if our elections were annual, or even triennial. They would then be carried on with much less heat and animosity; for every man knows that the disturbances about elections have been much greater since the septennial bill took place than ever they were before; and I would gladly ask gentlemen, if before that time it was ever known that the solicitations and contentions about elections began two years before the choosing of a new parliament, which is known to be the case at present over the whole kingdom, and which must always necessarily be the case; it being natural for men to contend with more vigour and with more heat for a post either of honour or profit, that is to be enjoyed for seven years, than for one that is to be enjoyed but for one, or for three.

Then, sir, as to bribery and corruption at elections, I am sure it has very much increased since the septennial law took place. It is a natural consequence of lengthening the time of a parliament's continuance, a consequence so natural, that I am surprised to find it so much mistaken, as it seems to be by some gentlemen who have spoken on the other side of the question. It is certain, sir, that bribery will never be made use of at any election, but by a man who has not a sufficient natural interest in the place where he declares himself a candidate, and by such we may expect it will always be made use of, as far as it can be done with safety, if the candidate has but the least hopes of succeeding by such dishonourable means. Where there happens a competition, every elector has a natural bias to vote for one man rather than another, and every elector will vote according to his na-

tural bias, if he is not bought off. Whoever endeavours to buy him off must certainly come up to his price, and this price will be higher or lower, according to the elector's honour and circumstances, and the natural bias he has for the other candidate. A great many men may be perhaps bought off with 100 or 1000 guineas, when if half that sum were offered, they would spurn it away with an honest disdain. I hope, sir, there are a great many electors in this kingdom, whose honour upon such occasions is above the power of any such corrupt temptations; but that there are likewise a great many who may be bought, is a fact, which I believe no gentleman in this house will dispute; and in this view let us examine the difference between triennial and septennial parliaments.

Give me leave, then, to suppose two gentlemen set up in opposition to each other, for representing one of our little boroughs in parliament; one of them a country gentleman of a great natural interest in the place, the other a citizen of London, or a place-man, not near equal to him in interest, but depending entirely upon the money he is able to lay out. Suppose the citizen or place-man comes to a calculation, and finds that it will cost him at least 3000l. to buy the country gentleman out of his interest in that borough: if the parliament were to continue but for three years, he would very probably resolve not to be at such an expence, and so would refrain from being guilty of the crime of corrupting his countrymen; but when the parliament is to continue for seven years, he may as probably resolve to be at that charge. Thus, by corruption, he may get a seat in this house; and it is to be feared, that he who comes in here by corruption, will not walk out with clean hands.

Gentlemen are very much mistaken if they imagine the price of an election depends upon the duration of a parliament, or that a man who sells his vote for 100 guineas at the election of a septennial parliament, would sell

his vote for the half of that sum, if the parliament to be chosen were to continue only for three years. No, sir, there are very few of this sort of electors who think of futurity; the present offer is the temptation, and the only temptation which can be of any weight with them: Besides, they cannot depend upon having the like offer made them at the next election; and 50 guineas ready money, with an uncertain hope of having 50 more three years hence, is not surely so great a price as 100 guineas ready down: the natural interest of the country gentleman, and the honour of the electors, are what the dealers in corruption are to contend with, and against these a small price cannot be so prevalent as one a little higher. Some may, perhaps, be corrupted by a small price; but certainly the higher it is, the greater will the numbers be that are tempted to yield to it; and as a man may give a higher price at the election for a septennial parliament, than he can do at one for an annual or triennial, therefore the greater the numbers will be of those who yield to his temptation, the more he may depend upon corruption; and the more it is to be depended on, the more general and the more frequent will it certainly be. From hence it appears evident, that the increase of bribery and corruption is as natural a consequence of septennial parliaments, as any one thing can be conceived to be the consequence of another.

There is no way, sir, of effectually preventing corruption, but by putting it out of the power of any man to corrupt. There is no corrupting any man but by coming up to his price; therefore the only way of putting it out of the power of any man to corrupt, is to put it out of the power of any man to come up to the price of any number of electors: and this can only be done by making our elections frequent: the more frequent the better. It is certain, a gentleman who enjoys a good pension for seven years, is more able to give a high price, than if he had enjoyed that pension but for one year, or even for three; and he will more willingly give a high price, when he is

thereby to purchase the continuance of that pension for seven years, than when he is to purchase it only for one or for three years. This, sir, is so evident, that I am astonished to hear it controverted within these walls.

If our parliaments were annual it would be impossible for place-men or pensioners to save as much yearly as would be sufficient to bribe country gentlemen out of their interest, and the electors out of their honesty; which I am afraid is a practice now too frequent in many parts of this kingdom. How can it otherwise be imagined that the people would choose persons they never saw, persons they perhaps never heard of, in opposition to gentlemen who live in the neighbourhood; gentlemen who give them daily employment, by buying in their shops and markets all the manufactures and provisions they have use for in their families, and gentlemen whose ancestors have perhaps often represented that very place in parliament with great honour and universal approbation? I remember, sir, I was told by a gentleman who is now dead, and therefore I may name him, I mean Mr. Spencer Cowper, afterwards one of the judges of the common pleas, he told me himself that he had never been in the borough he represented in parliament, nor had ever seen or spoke with any of his electors; and I believe I could, without much difficulty, name some who are now in the same situation. Can such, sir, be called the representatives of the people? or can it be supposed that they are chosen by means of that natural interest by which every man ought to hold his seat in this house?

The parliament, sir, is the great council of the nation, and the business of this house in this particular is to represent to his majesty the grievances of the people; to inform his majesty if any of his ministers or his officers make an ill use of the power he delegates to them; and to impeach and prosecute such evil ministers. Now I would be glad to know who are the most proper representatives for these purposes, gentlemen who have large properties in the country, who are independent of the mi-

nisters and officers of the crown, and who by living in the country are perfectly acquainted with the circumstances of the people; or gentlemen, who for their chief support depend upon the ministers and officers of the crown, who know nothing of those they represent, and are not only ignorant of their true interests, but are really indifferent about their welfare. I hope it will not be controverted, but that the first sort of gentleman are the most proper representatives of the people; and if so, annual or triennial parliaments are better than septennial, because there is a greater probability of their being chiefly composed of such gentlemen.

As bribery and corruption, therefore, are a natural consequence of long parliaments, as it must always increase in proportion as the term for the parliament's continuance is prolonged, I am persuaded that all those who are against bribery and corruption will join with me in voting for the restitution of triennial parliaments. It is not the expence of an election that country gentlemen are to be afraid of; the most extravagant entertainments that a stranger in the county could give, would have but little weight, if to these he did not add downright bribery; and even those bribes must be so high as to overbalance the natural interest of the country gentleman, as well as the honesty of the greatest part of the electors. As these bribes cannot be made so high for a triennial parliament as they may be for a septennial, they cannot be so prevalent among the electors; and therefore a gentleman, who depends upon nothing but his natural interest, will always have a better chance for representing his county in a triennial parliament, than he can have for representing it in one which is to continue for seven years. For which reason I cannot but think that every gentleman who has a mind that his posterity shall depend for their seats in parliament upon the natural interest they may have in their respective counties, and not upon the frowns or the favours of the minister for the time being, must

necessarily be for our returning to our former constitution in this respect. This, sirs, is in my opinion absolutely necessary; and it must be soon done, otherwise country gentlemen, tired out with contending against those who purchase their elections, perhaps with the very money which the country gentlemen are obliged to pay out of their estates in public duties and taxes, will at last have nothing to do but to sit down and bemoan the fate of their country: but their complaints will then be to very little purpose, for the doors of that place where the groans of the people ought to be heard, will then be shut against them. We may depend on it, that those who obtain their seats in this house by ministerial influence, will, while here, be directed in all their proceedings by the same sort of influence, and by none other.

To conclude, sir, I am very certain that there is nothing that would be more agreeable to the people in general than the repeal of the septennial law; and therefore I, as one of the representatives of the people, chosen without bribery or corruption, and as one who have nothing to consider but the interest of those I represent, shall readily vote for the motion.

MR. (afterwards SIR) JOHN BARNARD,

Was originally a merchant, and was chosen to represent the city of London in parliament, in consequence of the abilities he displayed on being appointed by the body of wine merchants to state before the house of lords their objections to a bill then pending. He continued to represent the city forty years, and so much to the satisfaction of his constituents, that they erected a statue to him in the exchange. He was knighted by George II. He was born 1685, and died 1764.

Sir John Barnard's Speech on the same.

Sir,

I AM a good deal surprised to find that none of those gentlemen who usually have a great share in our de-

bates, seem inclined to take any share in this. I hope they will allow it to be a question of some consequence to their country; and, if it should be carried in the affirmative, some of them may perhaps find it a question of some consequence to themselves. I will venture to say, that I have not heard a question better supported on one side, and less said against it on the other, by the gentlemen who have already spoken since I sat in parliament; and I now stand up, not that I think any thing needful to be added to what has been said in support of it, but that I cannot think of letting a question go, in the success of which I think the happiness of my country so deeply concerned, without my joining with other gentlemen, in shewing all the regard for it that lies in my power.

An honourable and learned gentleman has indeed advanced a doctrine which I think altogether new: That we are to have no further dependence on our electors after we have taken our seats in this house; nay, that a dependence upon them would be more dangerous than a dependence on the crown. This, sir, is really in my opinion something very new; though that gentleman may perhaps like the one better than the other, yet I shall always look upon a dependence on the people of England, or even those I represent, to be less dangerous and more honourable than a dependence on the crown: and I value myself more on the honour I have had of sitting here for two parliaments as one of the representatives of the people of England, and by the free and uncorrupted choice of those I represent, than I should do on the greatest honours the crown can bestow. Indeed, if I had obtained my seat here by bribery, or by the illegal and corrupt influence of any great minister, I should look upon it in a very different light—I should look upon it as one of the most disgraceful situations I could be in.

It has been affirmed by several gentlemen who have spoken on the other side of the question, that the longer parliaments continued, the less influence the crown had

upon them; and for a proof of this they have instanced the long parliament in king Charles the Second's reign. The same gentlemen have likewise asserted, that triennial parliaments would distress his majesty's government. How these two assertions are compatible, I leave to the gentlemen themselves to explain, for to me it appears impossible that both can be true; because, if the crown has always the less influence in a parliament the longer it continues, surely the shortening the time of its duration cannot distress any king's government. But as to the long parliament in king Charles's time, though they did not towards the end shew the same servile compliance that they had done for many years before, yet it is plain, that the crown thought that parliament fitter for the purposes of the court at that time, than they could expect any new parliament chosen by the people to be. Otherwise, as the king had it in his power, he would certainly have dissolved them much sooner. And if that long parliament really deserved the name usually given to it, we must conclude that their non-compliance at last was not owing to their virtue, or a want of inclination to receive, but to a want of power in the crown to give. The people were not then accustomed to bear such heavy burdens as they do at present; the revenues of the crown were not so large, nor the posts and places at the disposal of the crown so numerous. There was not such a numerous standing army to support the parliament in case they had gone on in the same servile method. And as the complaints of the people grew loud and clamorous, as there was little to be got, with a great deal to be apprehended by the continuance of a servile compliance, it is very probable that these were the true reasons of that parliament's becoming at last so restive. And if the nation was now in the same state it was at that time, I should not be half so much afraid of septennial parliaments, as, I think, I have good reason to be at present.

The animosities, disputes, and divisions about elections, have been set in the most dreadful light, and have

been represented as so great an inconvenience, that we ought to run the risk of having our constitution overturned, rather than submit to it. But, sir, can it be imagined that there would be the same contention for a seat in parliament which was to continue but for one year, or even for three, that there is for one which is to continue for seven? The example of the city of London plainly shews us the contrary. As the common councilmen and a great many other officers in the city, are chosen annually, I have had occasion to be often present at these annual elections, and never could find that they were attended with any great heats and animosities, or with any inconveniences; for after the election is over, the contending parties go home, and live in the same friendship they did before; and I am convinced the case would be the very same, if annual elections for members of this house were restored. The same man might perhaps be continued and re-chosen every year for many years together, probably without any dispute or opposition: but his being liable every year to be turned out, would be a continual check upon bad behaviour, and would make him study the interests of the people, instead of pursuing only some private and selfish views of his own.

Even as elections stand at present, there would be no such contentions, nor any such heats and animosities as we hear of, if they were entirely left to gentlemen who have a natural interest in the place. In such case, if a candidate found himself defeated by fair means only, and merely by the superior interest of his antagonist, it would not raise his indignation; it would occasion no heats or animosities. He would wait with patience for a new opportunity, and in the mean time would endeavour to recommend himself to his country by acts of hospitality and benevolence. It is ministers of state intermeddling with elections; it is election brokers, and such dealers in corruption, that occasion all the heats and animosities we have: for when a gentleman of a great natural interest sees his electors obliged by power,

or bribed by money to vote against him, perhaps in favour of an utter stranger, it cannot but raise his indignation. It may indeed justly raise his utmost fury and revenge.

It is certain, sir, that if the people were entirely left to themselves they would without much contention always choose those gentlemen, who by having large properties of their own, might be reasonably supposed to be such as would take the best care of the properties of their fellow subjects. But if the people should ever begin to see their representatives making their seats in parliament places of profit, and bartering their votes and their behaviour in parliament for posts, places, and pensions, the people will soon follow the example of their representatives, and will insist upon sharing with them in the profits. Thus by degrees, the minds of the people will be debauched; they will be brought to think, that the selling their votes at elections is no crime; the representatives, who buy their seats, must sell their votes; and at last all regard for the public good will be generally laid aside by all sorts of men. The only effectual method, sir, of preventing this fatal effect, is to restore annual elections: for then it would be impossible even for the treasury itself, (if ever the public money should come to be so misapplied,) to issue yearly sums of money sufficient to get the better of the natural interest, which country gentlemen always have in the places where they and their families have perhaps for many generations resided. The consequence of which will be, that none but country gentlemen, and those who have a natural interest in the place, will ever appear as candidates; and thus neither the morals of the people will be debauched, nor their properties plundered, nor their liberties destroyed by those election brokers and ministerial agents, or their candidates, who never can be employed or set up but for such base purposes.

As for our credit abroad, which it is pretended septennial parliaments very much contribute to, I think it

is evident that it has been sinking ever since the septennial law took place; which confirms what was justly observed by an honourable gentleman, that the credit of the nation among foreigners does not depend upon the length or shortness of our parliaments, but upon that correspondence and confidence which ought always to be kept up between the king and his people. I will not say that this decay of our credit abroad has been altogether owing to the septennial law, but I dare say, if our parliaments had not been septennial, they would probably before now, have enquired into the conduct of those who have been the causes of this decay; and whatever reasons the decay of our credit among foreigners may have been owing to, it is now come to so low an ebb, that we really seem to have almost none to lose. This, I am sorry to say it, seems to be our case at present; and as I think nothing can so effectually restore our credit abroad as the restoring our constitution at home, I shall therefore give my vote for the question.

SIR ROBERT WALPOLE.

We may form as good an idea of the talents of this celebrated man as a speaker in the house of commons, from the following speech, as from any that he has left behind him. He may be considered as the first who (if the similitude is not too low to be admitted, I confess nothing can be lower) threw the house of commons into the form of a regular debating society. In his time debate was organized; all the common-place topics of political controversy were familiar in the mouths of both parties. The combatants on each side, in this political warfare, were, regularly drawn up in opposition to each other, and had their several parts assigned them with the greatest exactitude.

"The popular harangue, the tart reply,
"The logic, and the wisdom, and the wit,"

appeared in all their combined lustre. The effect of this

system could not be different from what it has turned out. The house of commons, instead of being the representative and depository of the collective sense of this nation, has become a theatre for wrangling disputants to declaim in the scene of noisy impertinence and pedantic folly. An empty shew of reason, a set of words has been substituted for the silent operation of general feeling and good sense; and ministers referring every thing to this flimsy standard, have been no longer taken up in planning wise measures, but in studying how to defend their blunders. It has been usual to draw a sort of parallel between the person of whom we are speaking, and the late Mr. Pitt For this perhaps there is little more foundation than the great length of their administrations, and their general ability as leaders of the debates in parliament. If I were disposed to make a comparison of this kind, I should attempt, to describe them by their differences rather than their resemblances They had both perhaps equal plausibility, equal facility and equal presence of mind; but it was of an entirely different kind, and arose from different causes in each of them. Walpole's manner was more natural and less artificial; his resources were more the result of spontaneous vigour and quickness of mind, and less the growth of cultivation and industry. If the late minister was superior to his predecessor in office in logical precision, in the comprehensive arrangement of his subject, and a perfect acquaintance with the topics of common-place declamation, he was certainly at the same time very much his inferior in acuteness of understanding, in original observation, and knowledge of human nature, and in lively, unexpected turns of thought. Pitt's readiness was not owing to the quickness or elasticity of his understanding, but to a perfect self-command, a steadiness and inflexibility of mind, which never lost sight of the knowledge which it had in its possession, nor was ever distracted in the use of it. Nothing ever assumed a new shape in passing through his mind: he recalled his ideas just as they were originally impressed, and they neither received nor ever threw a sparkling light on any subject with which he connected them, either by felicity of combination, or ingenuity of argument. They were of that loose, general, unconnected kind, as just to fill the places they were brought out to occupy in the rank and file of an oration, and then returned mechanically back to their several stations, to be ready to appear again whenever they were called for. Walpole's eloquence, on the other hand, was less an affair of reminiscence, and more owing to present invention. He seems to have spoken constantly on the spur of the occasion: without pretending to exhaust his subject, he often put it in a striking point of view; and the arguments into which he was led in following the doublings and windings of a question, were such as do not appear to have occurred to himself before, nor to have been made

use of by others. When he had to obviate any objection, he did not do it so much by ambiguity or evasion, as by immediately starting some other difficulty on the opposite side of the question, which blunted the edge of the former, and staggered the opinion of his hearers. The style of their speeches is also marked by the same differences as their mode of reasoning. In the one you discover the ease and vivacity of the gentleman, of the man of the world; in the other the studied correctness of the scholar. The one has the variety, simplicity, and smartness of conversation; the other has all the fulness, the pomp, the premeditated involutions and measured periods of a book, but of a book not written in the best style. The one is more agreeable and insinuating; the other more imposing and majestic. Not to spin out this comparison to an unnecessary length, I should think that Walpole was less completely armed for entering the lists with his antagonists, but that his weapons were keener, and more difficult to manage: that Pitt had more art, and Walpole more strength and activity; that the display of controversial dexterity was in Walpole more a trial of wit, and in Pitt more an affair of science; that Walpole had more imagination, and Pitt more understanding; if, indeed, any thing can entitle a man to the praise of understanding, which is neither valuable, nor his own.

Sir Robert Walpole's Speech in Reply.

Sir,

THOUGH the question has been already so fully and so handsomely opposed by my worthy friend under the gallery, by the learned gentleman near me, and by several others, that there is no great occasion to say any thing farther against it; yet as some new matter has been started by some of the gentlemen who have since that time spoke upon the other side of the question, I hope the house will indulge me the liberty of giving some of those reasons which induce me to be against the motion. In general, I must take notice, that the nature of our constitution seems to be very much mistaken by the gentlemen who have spoken in favour of this motion. It is

certain that ours is a mixed government, and the perfection of our constitution consists in this, that the monarchical, aristocratical, and democratical forms of government, are mixt and interwoven in ours, so as to give us all the advantages of each without subjecting us to the dangers and inconveniences of either. The democratical form of government, which is the only one I have now occasion to take notice of,* is liable to these inconveniences—that they are generally too tedious in coming to any resolution, and seldom brisk and expeditious enough in carrying their resolutions into execution; that they are always wavering in their resolutions, and never steady in any of the measures they resolve to pursue, and that they are often involved in factions, seditions, and insurrections, which expose them to be made the tools, if not the prey of their neighbours. Therefore, in all the regulations we make in respect to our constitution, we are to guard against running too much into that form of government which is properly called democratical. This was in my opinion the effect of the triennial law, and will again be the effect, if ever it should be restored.

That triennial elections would make our government too tedious in all their resolves is evident, because in such case, no prudent administration would ever resolve

* Sir Robert here, by entirely leaving out the consideration of the other parts of our constitution which are intended to operate as checks and correctives of the democratical part, very ingeniously models the house of commons according to his own wishes, and at the same time in such a manner as to answer the purposes of all the other parts and in fact to render them unnecessary. It has always been pretended that the house of commons was but one branch of the legislature—the representative of the people; and that an antidote to any evils that might arise from this part of the system was wisely provided in the other branches, which were to represent property and power; but care has been taken to make sure of the remedy in the first instance, namely, by inoculating the patient before the disease was caught, and making the house of commons itself never any thing more than the representative of property and power.

upon any measure of consequence till they had felt not only the pulse of the parliament, but the pulse of the people; and the ministers of state would always labour under this disadvantage, that as secrets of state must not be immediately divulged, their enemies (and enemies they will always have,) would have a handle for exposing their measures, and rendering them disagreeable to the people, and thereby carrying perhaps a new election against them before they could have an opportunity of justifying their measures by divulging those facts and circumstances from whence the justice and the wisdom of their measures would clearly appear.

Then, sir, it is by experience well known, that what is called the populace of every country, are apt to be too much elated with success, and too much dejected with every misfortune; this makes them wavering in their opinions about affairs of state, and never long of the same mind; and as this house is chosen by the free and unbiassed voice of the people in general, if this choice were so often renewed, we might expect that this house would be as wavering and as unsteady as the people usually are; and it being impossible to carry on the public affairs of the nation without the concurrence of this house, the ministers would always be obliged to comply, and consequently would be obliged to change their measures as often as the people changed their minds.

With septennial parliaments, sir, we are not exposed to either of these misfortunes, because if the ministers after having felt the pulse of the parliament, which they can always soon do, resolve upon any measures, they have generally time enough before the new election comes on to give the people a proper information, in order to shew them the justice and the wisdom of the measures they have pursued; and if the people should at any time be too much elated, or too much dejected, or should without a cause change their minds, those at the helm of affairs have time to set them right before a new election comes on.

As to faction and sedition, sir, I will grant that in monarchical and aristocratical governments it generally arises from violence and oppression; but in democratical governments it always arises from the people's having too great a share in the government; for in all countries and in all governments, there always will be many factious and unquiet spirits, who can never be at rest either in power or out of power. When in power, they are never easy unless every man submits entirely to their direction; and when out of power, they are always working and intriguing against those that are in, without any regard to justice or to the interest of their country. In popular governments such men have too much game; they have too many opportunities for working upon and corrupting the minds of the people, in order to give them a bad impression of, and to raise discontents against those that have the management of the public affairs for the time; and these discontents then break out into seditions and insurrections. This, sir, would in my opinion be our misfortune if our parliaments were either annual or triennial. By such frequent elections there would be so much power thrown into the hands of the people as would destroy that equal mixture which is the beauty of our constitution. In short, our government would really become a democratical government, and might from thence very probably diverge into a tyrannical. Therefore in order to preserve our constitution, in order to prevent our falling under tyranny and arbitrary power, we ought to preserve that law which I really think has brought our constitution to a more equal mixture, and consequently greater perfection than it was ever in before that law took place.

As to bribery and corruption, sir, if it were possible to influence by such base means the majority of the electors of Great Britain to chuse such men as would probably give up their liberties, if it were possible to influence by such means a majority of the members of this house to consent to the establishment of arbitrary power,

I would readily allow that the calculations made by the gentlemen on the other side were just, and their inference true; but I am persuaded that neither of these is possible.

As the members of this house generally are, and must always be, gentlemen of fortune and figure in their country, is it possible to suppose that any of them could by a pension or a post be influenced to consent to the overthrow of our constitution, by which the enjoyment not only of what he got, but of what he before had, would be rendered altogether precarious? I will allow, sir, that with respect to bribery, the price must be higher or lower generally in proportion to the virtue of the man who is to be bribed; but it must likewise be granted, that the humour he happens to be in at the time, the spirit he happens to be endowed with, adds a great deal to his virtue. When no encroachments are made upon the rights of the people, when the people do not think themselves in any danger, there may be many of the electors, who by a bribe of ten guineas might be induced to vote for one candidate rather than another; but if the court were making any encroachments upon the rights of the people, a proper spirit would without doubt arise in the nation, and in such a case I am persuaded that none, or very few even of such electors, could be induced to vote for a court candidate; no, not for ten times the sum.

There may, sir, be some bribery and corruption in the nation, I am afraid there will always be some: but it is no proof of it that strangers are sometimes chosen; for a gentleman may have so much natural influence over a borough in his neighbourhood, as to be able to prevail with them to choose any person he pleases to recommend; and if upon such recommendation they choose one or two of his friends, who are perhaps strangers to them, it is not from thence to be inferred that the two strangers were chosen their representatives by the means of bribery and corruption.

To insinuate, sir, that money may be issued from the public treasure for bribing elections, is really something

very extraordinary, especially in those gentlemen who know how many checks there are upon every shilling that can be issued from thence, and how regularly the money granted in one year for the public service of the nation, must always be accounted for the very next session in this house, and likewise to the other, if they have a mind to call for any such account. And as to the gentlemen in offices, if they have any advantage over country gentlemen in having something else to depend on besides their own private fortunes, they have likewise many disadvantages. They are obliged to live here in London with their families, by which they are put to a much greater expence than gentlemen of equal fortunes who live in the country. This lays them under a very great disadvantage, with respect to the supporting their interest in the country. The country gentleman, by living among the electors, and purchasing the necessaries for his family from them, keeps up an acquaintance and correspondence with them, without putting himself to any extraordinary charge; whereas a gentleman who lives in London, has no other way of keeping up an acquaintance or correspondence among his friends in the country, but by going down once or twice every year at a very extraordinary charge, and often without any other business; so that we may conclude a gentleman in office cannot, even in seven years, save much for distributing in ready money, at the time of an election; and I really believe, if the fact were narrowly inquired into, it would appear that the gentlemen in office are as little guilty of bribing their electors with ready money, as any other set of gentlemen in the kingdom.

That there are ferments often raised among the people without any just cause, is what I am surprised to hear controverted, since very late experience may convince us of the contrary. Do not we know what a ferment was raised in the nation towards the latter end of the late queen's reign? and it is well known what a fatal change in the affairs of this nation was introduced, or at least

confirmed, by an election coming on while the nation was in that ferment. Do not we know what a ferment was raised in the nation soon after his late majesty's accession? And if an election had then been allowed to come on while the nation was in that ferment, it might perhaps have had as fatal effects as the former; but thank God this was wisely provided against by the very law which is now wanted to be repealed.

It has indeed, sir, been said, that the chief motive for enacting that law now no longer exists. I cannot admit that the motive they mean was the chief motive, but even that motive is very far from having entirely ceased. Can gentlemen imagine, that in the spirit raised in the nation but about a twelvemonth since, jacobitism and disaffection to the present government had no share? Perhaps some who might wish well to the present establishment did co-operate, nay, I do not know but they were the first movers of that spirit; but it cannot be supposed that the spirit then raised should have grown up to such a ferment merely from a proposition which was honestly and fairly laid before a parliament, and left entirely to their determination. No, sir, the spirit was perhaps begun by those who are truly friends to the illustrious family we have now upon the throne; but it was raised to a much greater height than I believe ever they designed, by jacobites, and such as are enemies to our present establishment, who though they never had a fairer opportunity of bringing about what they have so long and so unsuccessfully wished for, than that which had been furnished them by those who first raised that spirit. I hope the people have now in a great measure come to themselves, and therefore I doubt not but the next elections will shew that when they are left to judge coolly, they can distinguish between the real and the pretended friends to the government. But I must say, if the ferment then raised in the nation had not greatly subsided, I should have thought a new election a very dangerous experiment; and as such ferments

may hereafter often happen, I must think that frequent elections will always be dangerous: for which reason, in so far as I can see at present, I shall I believe at all times think it a very dangerous experiment to repeal the septennial bill.

GEORGE (LORD) LYTTLETON,

(The eldest Son of Sir T. Lyttleton.)

Was born 1709, and died 1773. He distinguished himself both as a speaker and a writer. He appears (as far as I can understand,) to have been one of those men, who gain a high reputation not so much by deserving, as by desiring it; who are constantly going out of their way in search of fame, and therefore can scarcely miss it; who are led to seize on the shewy and superficial parts of science by an instinct of vanity, as the surest means of attracting vulgar applause; who by aiming at what is beyond them, do at least all that they are capable of; whose anxiety to distinguish themselves from others, serves them in the place of genius; and who obtain the good opinion of the public merely by shewing their deference to it. This character, it must be confessed, however, is generally united with sensibility and an elegant turn of mind, and is therefore entitled to some credit; for next to the possession of real excellence, I think we ought to respect the admiration of it, and the wish to possess it, or whatever in our power comes the nearest to it.

Mr. Lyttleton's Speech on the Prince's Marriage.

Mr. Speaker,

THOUGH I have nothing to add to what has been said so well by other gentlemen, on this happy and agreeable occasion, yet as I think that nobody should be silent on a point to which nobody can be indifferent, I beg to be indulged in a few words, to declare with how much pleasure I concur in the motion that has been made you. And indeed he must be void of all affection to the safety,

peace, and liberty of his country, who does not rejoice in the increase of the royal family, on the support and continuance of which among us, all those blessings immediately depend. But, sir, there is yet another reason for our joy on this occasion, a reason, which every gentleman that hears me, will allow to be a strong one:—I mean a particular regard to the happiness of the prince, which can no more be separated from our duty to his majesty, than the interests or inclinations of so good a father from those of so dutiful a son.

There may be something in the dignity of persons raised very high above the rank of other men, which might set them at perhaps too great a distance from the love of their inferiors, and make us often participate no farther in their pleasures or their pains than duty or interest requires. But he, who in a station thus exalted above the wants and miseries of mankind, can feel them with the tenderness of an equal, while he relieves them with the beneficence of a superior; whose heart is as open to the sentiments of humanity and benevolence, as his mind to the impressions of truth and justice; such a prince, in all the incidents of life, will find every body sympathize with himself; his grief will be a national affliction, his joy the joy of a whole people.

Sir, it is right and decent, and agreeable to our inclinations, to ascribe every thing that is done for the public good to the paternal cares and goodness of the king; but in this instance it is peculiarly our duty for this is a merit which must belong to him alone; in this, none of his servants can have a share. The most assuming minister could lay no claim to it; it is his own act, to him we are obliged for it, and to him our acknowledgments are due. He has heard the wishes of his people, who foresaw the dangers they were exposed to, if his royal highness by marrying too late in life, should, according to the ordinary course of nature, leave an heir to the crown in a minority—a minority, which is always a state of weakness, distraction, and oppression; a minority, the

most pernicious of all governments, because it is the government of ministers. It was therefore the general desire of every good Englishman, that a marriage so necessary to the public should no longer be delayed; and his majesty has graciously been pleased to comply with that desire. He has removed those uneasy apprehensions, and by strengthening and increasing the royal family, he has added a new security to our happiness, and we may hope, entailed it on our posterity.

As our thanks are due to him for the marriage, they are no less so for his choice of a daughter-in law; a princess in whom piety and virtue are hereditary qualities. The eminent merit of whose great ancestor in the defence of the protestant religion, which was then in Germany as it now is in Great-Britain, united to the cause of public liberty, has been so amply set forth by other gentlemen, particularly the honourable person (Mr. Pulteney,) who made this motion, whose great abilities are most equal to this, or any subject, that nothing is left for me to add, but an ardent wish that the same virtues may revive again with equal lustre and happier fortune in her posterity.

For all these reasons, for many more, more than the zeal of my heart can now suggest to me, more than the eloquence of others can express, we ought most joyfully to congratulate his majesty on an event which must give him the greatest pleasure, because it does so to his people; for the satisfaction of neither can be perfect but when it is reciprocal. Let us therefore join our thanks to our felicitations, and let our unanimity in doing it, refute the calumnies of those who dare to insinuate out of doors, that gentlemen who sometimes differ here from the measures of the court, differ at all from those whom they oppose, I mean the very best of them, in sincere attachment to the government, and affectionate regard for the royal family.

WILLIAM PITT,

(Afterwards Earl of Chatham,)

Was born at Boconnock, in Cornwall, in 1708, and died in 1778. He was originally an officer in the army, but was chosen member for Old Sarum in 1735. His history is too well known to need repeating here. I shall say something of his talents as a speaker hereafter.

Mr. Pitt's Speech on the same Occasion.

Mr. Speaker,

I AM unable to offer any thing that has not been said by the honourable persons who made you the motion in a manner much more suitable to the dignity and importance of this great occasion. But, sir, as I am really affected with the prospect of the blessings to be derived to my country from this so desirable and so long desired measure, the marriage of his royal highness the prince of Wales, I cannot forbear troubling you with a few words to express my joy, and to mingle my humble offering, inconsiderable as it is, with this great oblation of thanks and congratulation to his majesty.

How great soever the joy of the public may be, and very great it certainly is, in receiving this benefit from his majesty, it must be inferior to that high satisfaction which he himself enjoys in bestowing it. And if I may be allowed to suppose, that to a royal mind any thing can transcend the pleasure of gratifying the impatient wishes of a loyal people, it can only be the paternal delight of tenderly indulging the most dutiful application and most humble request of a submissive, obedient son. I mention, sir, his royal highness's having asked a marriage, because something is in justice due to him for having asked what we are so strongly bound by all the ties of duty and of gratitude to return his majesty our most humble acknowledgments for having granted.

The marriage of a prince of Wales, sir, has at all times been a matter of the highest importance to the public welfare, to present, and to future generations; but at no time has it been a more important, a more dear con-

sideration than at this day, if a character at once amiable and respectable can embellish and even dignify the elevated rank of a prince of Wales. Were it not a sort of presumption to follow so great a person through his hours of retirement, to view him in the milder light of domestic life, we should find him busied in the noble exercise of humanity, benevolence, and of every social virtue. But, sir, how pleasing, how captivating soever such a scene may be, yet, as it is a private one, I fear I should offend the delicacy of that virtue I so ardently desire to do justice to, should I offer it to the consideration of this house. But, sir, filial duty to his royal parents, a generous love for liberty, and a just reverence for the British constitution, these are public virtues, and cannot escape the applause and benedictions of the public. They are virtues, sir, which render his royal highness not only a noble ornament, but a firm support, if any could possibly be necessary, of that throne so greatly filled by his royal father.

I have been led to say thus much of his royal highness's character, because it is the consideration of that character which, above all things, enforces the justice and goodness of his majesty in the measure now before you; a measure which the nation thought could never come too soon, because it brings with it the promise of an additional strength to the protestant succession in his majesty's illustrious and royal house. The spirit of liberty dictated that succession, the same spirit now rejoices in the prospect of its being perpetuated to latest posterity. It rejoices in the wise and happy choice which his majesty has been pleased to make of a princess so amiably distinguished in herself, so illustrious in the merit of her family, the glory of whose great ancestor it is to have sacrificed himself to the noblest cause for which a prince can draw his sword, the cause of liberty and the protestant religion. Such, sir, is the marriage, for which our most humble acknowledgments are due to his majesty; and may it afford the comfort of seeing the royal family (numerous as I thank God it is,) still growing

and rising up in a third generation; a family, sir, which I most sincerely wish may be as immortal as those liberties, and that constitution which it came to maintain; and therefore I am heartily for the motion.

SIR JOHN ST. AUBIN.

His Speech on the Quaker's Tythe Bill.

Mr. Speaker,

I THINK that a bill of this consequence, which affects so large a property, should undergo the wisest scrutiny of those regular forms which have hitherto circumscribed our proceedings, and guarded our constitution from any sudden and disguised attacks. But this bill, faulty as it was at first, after two readings in the house, and counsel had been solemnly heard against it, went avowedly into the committee to be almost entirely altered. A new bill, for so I may justly call this, arises out of the ashes of the old one, with the same fallacious title indeed, and less formidable than before. However, it is still suspected that there are latent mischiefs in it; and against those, the parties who are aggrieved, are deprived of an opportunity of a fresh defence. I hope therefore that the learned gentleman, who could not have been so defective in his first enterprize, if new inconveniences were not perpetually to be encountered in the alteration of settled constitutions, will at least be so candid as to withdraw his scheme for the present, take time to consider afresh, and not hurry a bill thus defective in form, and but half understood, in the conclusion of a session, when many gentlemen, quite worn out with a close and tedious attendance, have been forced to retreat. This cannot long retard the geart work of reformation which is at hand. The delay will be but a few months only. The same favourable tide will continue, and whatever new schemes, therefore, the learned gentlman may have ready to pro-

duce; I hope he will indulge us in so short a respite. But lest this bill should pass, I hope you will permit me to enter my public protest against it, for I am one of those who think it fundamentally wrong.

There is no one more ready than I am to give all reasonable indulgences to the several unhappy sectaries among us. I think, that in points of religious worship, compulsion ought never to be used; but truth is to have a fair opportunity of working by its own force upon the natural ingenuity of the mind, and the supreme lawgiver has the only right to interpose in such matters. But human authority has certainly a secondary power to restrain those wild excesses, which, under the false colour of religion, would invade the order and discipline of civil society. In this we are all united, and there is one medium, one common resort of our laws, for the protection of our respective rights and privileges. I am very sorry therefore that any of the dissenters should now see occasion to complain of their distinct allowances, and that stated measure which must be preserved in our civil union. Let them look upon the structure of our constitution in general; are the several members well proportioned? Have they a mutual dependence and regular connection with each other? And is there one law of convenience which runs through the whole? If this be so, and the pre-eminence is only maintained by a due subordination of the inferior parts, if the building was erected by the most able hands, and when architecture was at its height, I am not for inverting the order of it, in compliance with the Gothic fancy of any pretenders to that art.

Thus our constitution at present stands, and the laws of toleration are in this sense become a part of it; they protect, as they certainly ought, the established religion of our country, and at the same time allow a separate right in religious worship; such, only, have not the advantage of them, who deny the exterior forms of our government, whose consciences are a civil nuisance, and therefore forfeit the condition of this right. What, then,

is it that the quakers want? Have not all their most intemperate desires been from time to time complied with? Are they not exempted even from appealing to the great Author of Truth in their legal testimony? But not contented with all this, by a most strange abuse of the permissive liberty they enjoy, they send circular exhortations to their brethren to oppose the civil jurisdiction of our laws; and having thus cherished and strengthened an obstinacy, they approach the legislature itself with harsh revilings, unsupported by evidence, against the clergy of our established church, denying a constitutional right, begging that the legal remedies may be abated by which it is to be acquired, and unjustly complaining of severities, which by their repeated contumacy they wilfully draw on themselves; for the law in its ordinary and natural course will proceed to an enforcement of its own decree. Is this that passive obedience and non-resistance, that mild and charitable disposition, with which they have been so largely complimented? Is this conscience in any true definition of it? No, it is perverse humour, a false and delusive light, an *ignus fatuus*, which arises from a degeneracy and corruption of the mind. If this is conscience, then all those riots and tumults which at any time oppose the execution of the law and the authority of the government, may with equal justice lay claim to such a conscience. Tythes are a distinct property from the inheritance of the land, and by the laws of our constitution are applied to certain purposes. They are due of civil right, and no matter to whom they belong; though I should think that the maintenance of our clergy deserves some favourable share in our considerations.

No human wisdom can at once foresee the sufficient extent of legal remedies, but they must from time to time be proportioned to the degree of obstinacy with which they are to contend. At the time of the revolution, when our constitution was re-settled and our several rights and privileges confirmed, the former remedies were found insufficient, and therefore by the

7th and 8th of king William a new one was created; but the others were suffered to subsist. The clergy have now their option which method to pursue, and I believe they always follow this, unless they suspect an unjust partiality; for they want only their right, and are undoubtedly willing to come at it the cheapest and most effectual way. So that by this bill, which obliges them to repair to the justices in the first instance, you enjoin them nothing but what is already done, but at the same time give a new interest to the quaker in being contumacious; for I apprehend, by the bill as it now stands, if the quakers should not appear, but suffer judgment to pass by default, or should appear and not litigate or gainsay, that there is a power given to the justices to settle the *quantum* of the tythes, and the clergy are hereby deprived of any farther redress. It is the liberty of avoiding the justices, which is some sort of control upon their judicature, and it is the force of the several subsisting remedies, which obliges many of the quakers in some shape or other at present to submit. For it is not the punctilio of one gun only (as the learned counsel said) which the garrison wants, and when men are obliged to surrender there is no dishonour in doing it: but they have got unjust possession, and would you withdraw your forces that they may strengthen the fortification, and make it capable of a stouter resistance? Sir, I think the comparison has been inverted, and that party is in possession who have a just title, and they only desire to keep what they have, without extending their territories: and it would be extremely unjust to pull down their fences, upon an idle report that the enemy would take no advantage of it.

As to the ecclesiastical courts, the quakers have been defied to produce any instances of their being much troubled here; and indeed they are exceedingly few. Every thing in the course of time will degenerate from its original institution, and undoubtedly there

are many abuses crept into these courts, which may deserve our attention; but then let us proceed upon fairer inquiries, and with a disposition to reform and not to destroy. These courts, from the earliest days of our constitution, have had cognizance of tythes; and if the chief argument against them is drawn from their defect of power in giving redress, I am rather for supplying their defect, than that their authority herein should be wholly rescinded.

I would not be thought, by any thing I have said, to be for extending the power of the clergy. I am for keeping that, as well as all other power, within its due bounds. But surely the clergy are not to be the only men in the world, who, when they are assaulted, have not a liberty to complain, and to fly to this asylum for their necessary defence. I think this is all they now do, and it is very unfair to be seeking industriously for particular instances of blame, and from thence to take occasion of casting an odium upon the whole function. Those frightful ideas therefore of church power, upon which so many changes have been rung of late, I take to be very unnecessary at this time; it is now at a very low ebb, and it is very well if it can keep its just ground.

The mischief which is growing up is of another sort, and our liberties are no longer in danger from any thing which is founded in religious pretences. The enemy has erected batteries all round our constitution; but as the church is the weakest part, it is thought very advisable to begin the attack there, and if it succeed, they will soon mount the breach and take possession of the whole: for we may learn from the fatal experience of former times, that monarchy can only subsist upon the union and defence of our civil and religious rights. We all form one constitution; it is highly necessary, therefore, that all who are sincere lovers of that, should well know and mutually protect each other; and that the clergy should wisely consider that, as at all times we

are ready to oppose any assaults upon their quarter, so they are under the strongest obligations in the day of our need, not to withdraw their assistance from us in points of civil liberty; for if ever that should be their fatal mistake, and our hands are thereby weakened, they will undoubtedly bring their own establishment into the most imminent danger.

I shall say no more, but that I shall at all times oppose any innovations, because I think them extremely hazardous; let us rather guard against the intemperate follies, the luxury, the venality, and irreligion of the age, which have been long gathering like a dark thunder-cloud in the sky. God only knows how soon it may burst, but whenever it happens, and I fear the day is at no great distance, it will certainly fall most heavily upon us. I am therefore for keeping up our common shelters, that we may be protected as well as possible against this great and impending danger.

MR. PLUMER.

His Speech on the Repeal of the Test Act.

Sir,

I BELIEVE every gentleman that hears me may easily judge with what view I have desired this act to be read to you. It is, sir, with a design to have some part of it repealed, and another part so amended and explained, as to make it consistent with that charity and good nature which every member of the christian religion ought to shew to another.

The motion I am now to make, sir, proceeds chiefly from these three considerations: That I am, and I hope shall always be, an utter enemy to all manner of persecution; that I have a great reverence for that solemn institution called the Sacrament of the Lord's Supper; and that I shall always be for every thing which I think may tend towards establishing and preserving the unity, peace and trade of my country. These are considerations which I am persuaded are of as great weight with every gentleman of this house as they are with me; and therefore if I can shew that there is any thing in this act that looks like persecution, any thing that brings a contempt upon that holy institution of our religion, or any thing inconsistent with the unity and peace of our people, or with the trade of our country, I make no doubt of having the unanimous assent of this house to what I am to propose; and in my opinion, it would contribute greatly to the glory of this generation, as well as the honour of this house of commons, to have it agreed to *nemine contradicente*.

I hope, sir, it will be granted me, that the subjecting a man to a great penalty if he refused to subscribe to an opinion which he thought inconsistent with the christian religion, or to join in any ceremonies of public worship which he thought sinful, or perhaps idolatrous, would be a very heavy persecution; and I hope it will likewise be granted, that to render a man upon any such account incapable of holding a land estate, or of succeeding to any estate as next heir or next of kin, would also amount to a high degree of persecution: Now in this statute which has been read to you, there is one clause which enacts, That all persons that shall bear office, civil or military, or receive any salary or wages by any grant from the king, or shall have command or place of trust from or under him, or shall be in his navy or household, in England, Wales, Berwick, Jersey, or Guernsey, shall not only take the oaths of supremacy and allegiance, in the next term, or at the quarter sessions, within three months after their admittance, but shall receive the sacrament of the Lord's

Supper, according to the usage of the church of England, of which they are to deliver a certificate, and make proof, at the time of their taking the said oaths; in failure of which they are *ipso facto* disabled to enjoy the said offices or employments, or any profit thereby. And by another clause, Persons beyond the seas, or under any of the other impediments there mentioned, are to receive the sacrament and take the said oaths, within four months after such impediment removed. By this regulation it is evident, that no man can hold or enjoy an office or employment, civil or military, without declaring himself a member of the church of England as by law established; and as there are great numbers of faithful subjects, who have the misfortune of believing that some of the opinions established by our church are not entirely consistent with christianity, and that some of our religious ceremonies tend towards idolatry, such men cannot sincerely communicate with the established church; upon which account, and upon that only, they may therefore be subjected to penalties, or deprived of a yearly revenue, according to the nature of the office they may be named or entitled to; for if the post or office be such a one as is attended with trouble only, there is generally a penalty upon a man's refusing to serve it; which penalty every man must pay who is not a member of the church of England, because by this clause he is debarred from serving the office; whereas if it were not for this incapacity he is laid under, he might probably choose to serve the office rather than pay the penalty; and I would be glad to know the difference between subjecting a man directly to a penalty for refusing to join in any religious opinion or ceremony, and this indirect manner of subjecting him to it, by tacking to an office, in itself merely temporal, a most solemn approbation of the religious doctrines and ceremonies of the established church.

Again, sir, if the post or office to which a man is named or entitled, be one of those to which a yearly salary or revenue is annexed, from the day of his nomi-

nation he has as good a right to receive the profits of that office as any man has or can have, to his ancestor's estate, they being both founded chiefly upon the law of the land; nay it often happens, that the person named to any post or office has by long and faithful services fully deserved that nomination; and this I take to be a more meritorious title, than the title any man can have to the estate of his ancestor or next relation. Suppose we should have a new foreign war of ten years duration, as we had in the late queen's reign; suppose a gentleman of the dissenting persuasion should, in the beginning of that war, go abroad a cadet in one of our marching regiments, and, in consideration of much blood lost, and many brave services performed in the cause of his country, should be at last made colonel of a regiment; would not such a man be fully intitled to the profits of his commission, during the time his majesty should think fit to continue him in command? Would it not be downright persecution to turn him out of his commission and reduce him to a starving condition, merely for the sake of a scruple of conscience? Yet the case would be so, if this law should be then in force. Upon the first return of the regiment to England, he would be obliged within four months to give up his regiment, or receive the sacrament of the Lord's Supper, according to the usage of our established church, which his conscience would not permit him to do, if he should happen to be a sincere dissenter. Therefore I must look upon this as a much higher degree of persecution, than it would be to render a man, on account of any religious opinion, incapable of holding a land-estate, or of succeeding to any estate as next of kin.

From what I have said, sir, I hope it will appear that a very high degree of persecution lurks under the incapacitating clauses I have mentioned, and therefore, in my motion for the repeal of them, I hope I shall have the concurrence of all those who are real enemies to that antichristian practice; but when I consider the

reverence due to the sacrament of the Lord's supper, a sacred mystery, which none ought to approach without having first diligently examined themselves, and to which all are to be invited, but none to be compelled, I am surprised that it should ever have been turned to such a profane use as that of qualifying a man for being an adjutant to a regiment, or the bailiff of a little borough. This, sir, is perverting it to an use for which I am sure it never was intended, and this perversion has already produced, and will always produce, many and great abominations. It is well known how many have become unworthy partakers of the holy communion, for the sake only of entitling themselves to some lucrative post or employment; it is well known what terrible indecences some have been guilty of upon such occasions; and what a scandal has often been thereby given to all those who are truly devout. This is so generally known that it is now the common practice in all the churches of England, for the curate to desire the legal communicants, if any there be, I mean those who come there in obedience to that statute, to divide themselves from those who come there purely for the sake of devotion; and, indeed, it were to be wished that none of the former should ever be allowed to communicate in the presence of, much less at the same table with any of the latter; for the former are often so well and so generally known to be unworthy partakers, that their being admitted upon any pretence whatsoever, gives great offence to the truly religious, and tends to subvert the morals of the vulgar, by lessening that esteem which they ought to have for the established religion of their country, and which wise magistrates will always cultivate with all possible care; but this, by long and general experience we know, is not to be done by penal laws. On the contrary, such guarantees for the established religion of any country, have always produced pride, ignorance, luxury, and oppression, among those of the established church, and invincible, nay, often victorious enthusiasm, among those of the

trary religion. Even in this kingdom, we know, that penal laws and persecution raised so high the torrent of enthusiasm among us, that our established church was at last quite overwhelmed by the dissenting interest; and happy was it for our church that those enthusiasts destroyed our constitution, as well as our established religion; for if they had preserved the former, I am afraid the latter had never been restored. Since the repeal of most of our persecuting laws, the dissenting interest has daily decreased; and I am convinced those remains of it that are now among us, are chiefly owing to the act now under our consideration, and one other act of much the same nature.

With regard to the peace and unity of our people, I must say, sir, it is a matter of great surprise to me, how the legislature of any country could be prevailed on to annex temporal rewards or punishments to speculative opinions in religion. I can easily conceive how doctors might differ in speculative points of divinity, as well as in speculative points of law, physic, or philosophy; and I know with what vehemence a learned doctor in either of those sciences maintains his own opinion, and with what envy, malice, and rage he pursues his adversaries; but I cannot easily conceive what reasons the lawgivers of any country could have, to adopt and establish speculative opinions of any particular doctor in divinity, while at the same time they shewed a very great indifference with regard to the speculative opinions of the doctors in all other branches of literature. The cause of this different behaviour in our ancient lawgivers, I say, I cannot well comprehend; but whatever may have been the cause, if they thereby intended to establish an uniformity of opinion with respect to religious matters, experience has shewn that they have been most egregiously mistaken; for the annexing of temporal rewards and punishments to speculative opinions, has been so far from reconciling men's minds, and making them agree in any one opinion, that it has

rendered those of different opinions in religion, not only implacable, but most cruel and barbarous enemies to one another; an effect which has never been produced by difference of opinion in any other science. In law, in physic, in philosophy, there are, and always have been, doctors of different opinions; and among them too there have always been, I believe, some who would have gladly confuted their adversaries by fire and faggot, especially when they found themselves overcome by fair reasoning; but as the law of no country has as yet thought fit to interpose in those disputes, we find the followers of these doctors have generally argued the matter very coolly, and when the dispute was over have parted as good friends as they met. This has hitherto been the case in all sciences except divinity; but if we should make a law for punishing those who did not agree with the Newtonian system of philosophy, or for rendering all such incapable to hold any post or office in our government, I am persuaded we should have, in a few years, great numbers of our people who would be ready to sacrifice life and fortune in defence of the Aristotelian or the Cartesian system: nay, if any such law were made against all those who did not believe that the three angles of every triangle are equal to two right angles, I make no doubt but that this plain demonstration would be most violently opposed by great numbers of men in the kingdom; for when the passions of men are stirred up by temporal rewards and punishments, the most reasonable opinions are rejected with indignation, the most ridiculous are embraced with a frantic sort of zeal. Therefore, sir, if we have a mind to establish peace among our people, we must allow men to judge freely in matters of religion, and to embrace that opinion they think right, without any hopes of temporal rewards, and without any fears of temporal punishment.

As to our trade, sir, the advantages we have reaped in that respect by the toleration act are so apparent, that I shall not take up your time with enlarging upon that

subject; but in order to retain those advantages, and to improve them as much as possible, I shall now move, that leave be given to bring in a bill to repeal so much of the said act passed in the 25th of Charles II. intitled, "An act for preventing dangers which may happen from popish recusants," as obliges all persons, who are admitted to any office civil or military, to receive the sacrament of the Lord's supper, within a time limited by the said act, and for explaining and amending so much of the said act as relates to the declaration against transubstantiation.

SIR ROBERT WALPOLE.

His Speech in Reply.

Sir,

As I have hitherto appeared to be an utter enemy to all persecution, I hope my disagreeing with this motion will not be looked on as any sign of my having changed my opinion, or of my having any intention to alter my conduct for the future; so far otherwise, sir, I have still, and I hope shall always have, as tender a regard for the dissenters of all denominations, as any man can have who is a true member of the church established by law. As a sincere member of the church of England I must, and I do wish, that all the dissenters in the kingdom could be gained over to the established church; but though I wish for this happy event, yet I shall never be for attempting the accomplishment of that wish by any methods that have the least tendency towards persecution, or towards doing a real injury to any man whose conscience will not allow him to embrace the established

religion of his country. For all such I shall continue to have a real concern, because I think this difference of opinion is a man's misfortune, and not his crime.

But, sir, the word *persecution* has, in my opinion, been very much mistaken by the honourable gentleman who made you this motion; for according to the meaning he has put upon the words, there could be no established church or established religion in the world, but what must be deemed guilty of persecuting all those who differ from it; and yet those gentlemen will, I believe, grant, that in every society there ought to be an established religion, or a certain form of public worship established by the laws of that society; therefore we must find out a meaning for these words different from that which has been put upon them.

As there is in every society a certain form of government established, I hope it will be granted, that it is the duty of every member of that society to support and preserve that form of government as long as he thinks it the best that can be established; and on the other hand, if there be any man, or any set of men, who are convinced that a different form of government would render the society much more happy and powerful, I believe it will likewise be granted, that it is the duty of all such men to endeavour in a peaceable way, at least, to bring about an alteration. These two duties therefore being altogether inconsistent, nay, even destructive of one another, it is absolutely impossible for the one set of men to do their duty, without laying the other set under some hardships. When those hardships are no greater than what are absolutely necessary for the end intended, they are just and reasonable, and such as those who are subjected to them ought not to complain of; but when they are greater than what are necessary, they then begin to take and to deserve the name of oppression; and according to the degrees of this excess, the degrees of oppression are always to be computed. In this kingdom we know there is a set of men

who think it their duty to endeavour to bring about an alteration of our present happy establishment, I mean our nonjurors; who for that very reason are excluded from all posts or places in our government; which is certainly a hardship upon them; but I am sure it cannot be called an oppression, nor can this exclusion with respect to them be called a punishment.

And if there be a set of men in this kingdom who think the doctrines of the established church inconsistent with christianity, or the ceremonies of our public worship idolatrous, it is their duty as christians to attempt to bring about an alteration in our established religion, and they certainly will attempt it as soon as it is in their power; nay, with all deference to the honourable gentlemen who have spoke upon the other side of the question, for all of whom I have the greatest esteem, I must look upon this very motion as a beginning of that attempt; but as I am a member of the church of England, and think it the best religion that can be established, I think it my duty to prevent its being ever in the power of such men to succeed in any such attempt; and for this purpose, I think it absolutely necessary to exclude them from any share in the executive part of our government at least; because if the executive part should once come to be generally in their hands, they would very probably get the legislative part likewise; from which time it would be in vain to think of preventing, in a peaceable manner, their doing whatever they had a mind; and it must be presumed they would do what they thought themselves in duty bound to do. To exclude a man from a profitable post or employment, I shall admit to be a hardship upon the man so excluded; but as it is absolutely necessary for the preservation of our established church, to exclude those who think it their duty to destroy it, from any share in the executive part of our government; therefore this exclusion can no more be called persecution, than it can be called oppression to

exclude nonjurors from any share of our government executive or legislative; nor can such exclusion be deemed a punishment in the one case any more than in the other.

In the supposed case of a brave dissenter's being advanced to the command of a regiment, I shall grant that it would be a great hardship upon him to be turned out of his command, and to be exposed to a starving condition, upon his return to his native country; but the same case may be supposed with respect to a Roman catholic gentleman; yet there would be no persecution in either case; because the excluding of all such men from any command in our army, especially here at home, is, I think, absolutely necessary for the preservation of our constitution in the happy state it is in at present; nor could such an exclusion be called a punishment upon the man so excluded, no more than it can be called a punishment upon a man of five foot and a half to be excluded from being a soldier in the guards: for neither of these exclusions proceeds from any crime or fault in the man, it being as impossible for a man to alter his opinion when he has a mind, as it is to add two or three inches to his stature when he has occasion for it; but as the latter becomes necessary for the sake of preserving the beauty and symmetry of a regiment, so the former becomes necessary for the sake of preserving the beauty and symmetry of a society.

The argument raised from the supposed abuse of the blessed sacrament of the Lord's supper, is founded upon a fact which I cannot admit; for as there is nothing in this law that can compel the admission of an unworthy person; as the ministers of our church may refuse to admit any person to that sacrament, who does not devoutly and humbly desire it, or for any other lawful cause, [See Statute 1, Edward VI. Chap. 1.] I must presume no unworthy persons are admitted; or at least, if there be, it does not proceed from any fault in this or any other of our statutes, but from the criminal and irreligious neglect of the minister who admits them.

As to the unity and peace of our people, I am persuaded, sir, the repeal of this law, and another which I believe is likewise intended, would raise most terrible disturbances and confusions; for with respect to all posts and employments that go by election, we should have all the dissenters combining closely together to bring in their friends, which would of course breed many riots and tumults. And as to our trade it depends so much upon the peace and tranquillity of the nation, that if we have a mind to preserve it, we ought not to make any new regulation or repeal any old, if by so doing we run the risque of raising heart-burnings and jealousies among our people.

MR. HOLDEN.

His Speech on the same Subject.

Sir,

I SHALL take up very little of your time in replying to what has been said; for in my opinion, the arguments for the motion have been enforced by what has been said by way of answer to them.

If the hardships imposed upon the dissenters, by the law under our consideration, are greater than what are absolutely necessary for preventing its being in their power to destroy the established church, it must be granted, from what has been said on the other side of the question, that this law is a persecuting law. Now, sir, to determine this question in the affirmative, we need have recourse to no other nation but Scotland: with regard to that nation, we know that the Presbyterian re-

ligion, which is here one of our dissenting religions, is there the established church, and what is here our established church, is there a dissenting religion; yet the established church in Scotland have never thought it necessary, nor does it appear to be necessary, for their preservation, to exclude their dissenters from all posts and employments in the executive part of their government, nor have they any law for such a purpose; but on the contrary some of their judges and magistrates, and many of those in posts and employments in that kingdom, go openly, and in the most solemn manner, to the episcopal or church of England meeting-houses; and though this practice or indulgence has been continued for many years, and continues to this day, yet the established church in that country is so far from being in any danger of being overturned by what is there the dissenting interest, that the former is daily gaining ground upon the latter; which evidently shews the great weight and effect of a legal establishment with respect to religion, when the minds of men are not irritated by any unnecessary hardships put upon them. I could likewise instance Holland, and several other protestant countries, to shew, that rendering dissenters incapable of serving the crown in any post of honour, trust, or profit, is a hardship put upon them, which is so far from being absolutely necessary, that it is not at all necessary for preserving the established religion of any country; and therefore this hardship must in the strictest sense be called persecution, even according to the meaning put upon it by the honourable gentlemen, who have spoke on the other side of the question.

With respect to nonjurors and Roman catholics, the hardships put upon them are not for the sake of a scruple of conscience in any matter of a religious concern, but because they are enemies to the state, and to the present happy establishment; but I am surprised to hear it said that the rendering of them, or the dissenters, incapable of holding any post of

honour, trust, or profit under the crown, is no punishment, when I consider that that very punishment has often been inflicted by parliament as one of the greatest punishments they could inflict upon crimes of a very high nature. Surely this legal incapacity must be looked on as a punishment upon both, but with this difference—that upon nonjurors or Roman catholics it is with great justice inflicted, but upon dissenters it is inflicted without any occasion, no party among the latter having ever yet been suspected of being enemies to our present establishment, unless the rejecting of this motion should make them so. I am sure every gentleman that hears me must grant, that there is some difference between a capacity of being a soldier in the guards, and a capacity of holding any post or preferment under the crown: the guards are the king's own servants, and every man may choose what sort of servants he has a mind: therefore no man has a title to any capacity of being a soldier in the guards; but every subject has a title to a capacity at least of sharing in the honours and preferments of his country, and that capacity ought not to be taken from him, but by way of punishment for some very high crime or misdemeanour; for it is a punishment so dishonourable and severe, that we never find it inflicted by our laws upon crimes of an ordinary nature.

I shall grant, sir, that a minister of the established church is not, by any express words in this act, ordered or compelled to administer the sacrament to an unworthy person, who desires it only for the sake of enabling himself to hold a beneficial employment; but if a minister of the church of England should refuse to administer the sacrament to any person, upon such occasion, and that person should by means of such refusal lose his post, or only a year's salary, he might bring his action at common law upon the statute of king Edward VI. against such minister, and would recover great damages, if the court should not approve of the minister's reason for refusing to administer the sacrament

to the plaintiff; whereas, before the receiving of the sacrament was made a qualification for a civil employment, no such plaintiff could have recovered any considerable damage; nay, I doubt if he could have recovered any damage at all; for he could not probably have proved any temporal damage by his not receiving the sacrament when he desired it; and I do not see how a jury could pretend to put a value upon the spiritual damage he might pretend to have received. Those laws therefore, which have made the receiving the sacrament a qualification for a civil employment, have subjected all the clergymen of the church of England to a very great difficulty; because they are by those laws, and by those only, subjected to the danger of having such damages given against them as may ruin them and their families for ever, in case they refuse to administer the sacrament to a person whom they know to be a most profligate and impenitent sinner: for this a minister of our church may be fully convinced of, and yet it may be impossible for him to make the same appear to a jury.

To pretend, sir, that if those incapacitating laws were repealed, the dissenters would combine closely together in all elections, and that these combinations would occasion terrible disturbances, is contradicted by experience —is contradicted by experience in England as well as Scotland; for though many of the dissenters in England do communicate sometimes with the established church, and in consequence thereof become candidates from time to time, for almost every elective civil post in the kingdom; and though the dissenters do generally join pretty unanimously upon such occasions, I believe more unanimously than they would do if these laws were repealed, yet we find it never produces any disturbances. And in Scotland, where the dissenters from their established church are under no incapacitating laws, we find that the disputes about elections never produce any disturbances between the two religious parties in that kingdom; although it must be granted that the people of

that country are as violent in all their desires, as bold and enterprising in their designs, and as turbulent under disappointments, as the people in any country, I believe, upon the face of the earth. We must therefore from experience conclude, that the repeal of those persecuting laws, which, to our misfortune, are still in force in this kingdom, would confirm rather than disturb our present tranquillity; and it would certainly increase our trade, because it is not to be questioned but that a great many more rich foreign merchants would come over and settle among us, if they could enjoy all the privileges of Englishmen without changing their religion; whereas, while those laws remain unrepealed, a few foreign tradesmen and mechanics may perhaps come over; but rich and opulent foreign merchants will neither come nor stay to settle their families in this kingdom, when they consider that neither they nor their posterity can aspire to any honour or preferment, unless they make a sacrifice of the religion of their ancestors.

EARL OF CHESTERFIELD.

His Speech on the Play-house Bill.

My Lords,

The bill now before you I apprehend to be of a very extraordinary, a very dangerous nature. It seems designed not only as a restraint on the licentiousness of the stage, but it will prove a most arbitrary restraint on the liberty of the stage; and, I fear, it looks yet farther; I fear it tends towards a restraint on the liberty of the press, which will be a long stride towards the destruction

of liberty itself. It is not only a bill, my lords, of a very extraordinary nature, but it has been brought in at a very extraordinary season, and pushed with most extraordinary dispatch. When I consider how near it was to the end of the session, and how long this session had been protracted beyond the usual time of the year; when I considered that this bill passed through the other house with so much precipitancy, as even to get the start of a bill which deserved all the respect, and all the dispatch, the forms of either house of parliament could admit of, it set me upon enquiring, what could be the reason for introducing this bill at so unseasonable a time, and pressing it forward in a manner so very singular and uncommon. I have made all possible enquiry, and as yet, I must confess, I am at a loss to find out the great occasion. I have, 'tis true, learned from common report without doors, that a most seditious, a most heinous farce had been offered to one of the theatres, a farce for which the authors ought to be punished in the most exemplary manner; but what was the consequence? The master of that theatre behaved as he was in duty bound, and as common prudence directed: he not only refused to bring it upon the stage, but carried it to a certain honourable gentleman in the administration, as the surest method of having it absolutely suppressed. Could this be the occasion of introducing such an extraordinary bill, at such an extraordinary season, and pushing it in so extraordinary a manner? Surely no:——the dutiful behaviour of the players, the prudent caution they shewed upon that occasion, can never be a reason for subjecting them to such an arbitrary restraint: it is an argument in their favour; and a material one, in my opinion, against the bill. Nay farther, if we consider all circumstances, it is to me a full proof, that the laws now in being are sufficient for punishing those players who shall venture to bring any seditious libel upon the stage, and consequently, sufficient for deterring all players from acting any thing

that may have the least tendency towards giving a reasonable offence.

I do not, my lords, pretend to be a lawyer, I do not pretend to know perfectly the power and extent of our laws; but I have conversed with those that do, and by them I have been told, that our laws are sufficient for punishing any person that shall dare to represent upon the stage, what may appear, either by the words or the representation, to be blasphemous, seditious, or immoral. I must own, indeed, I have observed of late a remarkable licentiousness in the stage. There have but very lately been two plays acted, which one would have thought should have given the greatest offence, and yet both were suffered to be often represented without disturbance, without censure. In one,* the author thought fit to represent the three great professions, religion, physic, and law, as inconsistent with common sense: in the other,† a most tragical story was brought upon the stage, a catastrophe too recent, too melancholy, and of too solemn a nature to be heard of any where but from the pulpit. How these pieces came to pass unpunished, I do not know: if I am rightly informed, it was not for want of law, but for want of prosecution, without which no law can be made effectual: but if there was any neglect in this case, I am convinced it was not with a design to prepare the minds of the people, and to make them think a new law necessary.

Our stage ought certainly, my lords, to be kept within due bounds; but for this, our laws as they stand at present are sufficient; if our stage-players at any time exceed those bounds they ought to be prosecuted, they may be punished: we have precedents, we have examples of persons having been punished for things less criminal than either of the two pieces I have mentioned. A new law must therefore be unnecessary, and in the present case it cannot be unnecessary without being dangerous: every

* Pasquin, a Comedy. † King Charles I. a Tragedy.

unnecessary restraint on licentiousness is a fetter upon the legs, is a shackle upon the hands of liberty. One of the greatest blessings we enjoy, one of the greatest blessings a people, my lords, can enjoy, is liberty;—but every good in this life has its allay of evil:—licentiousness is the allay of liberty: it is an ebullition, an excrescence.—it is a speck upon the eye of the political body, which I can never touch but with a gentle, with a trembling hand, lest I destroy the body, lest I injure the eye upon which it is apt to appear. If the stage becomes at any time licentious, if a play appears to be a libel upon the government, or upon any particular man, the king's courts are open; the law is sufficient for punishing the offender, and in this case the person injured has a singular advantage—he can be under no difficulty to prove who is the publisher; the players themselves are the publishers, and there can be no want of evidence to convict them.

But, my lords, suppose it true, that the laws now in being are not sufficient for putting a check to, or preventing the licentiousness of the stage; suppose it absolutely necessary some new law should be made for that purpose; yet it must be granted, that such a law ought to be maturely considered, and every clause, every sentence, nay, every word of it well weighed and examined, lest, under some of those methods presumed or pretended to be necessary for restraining licentiousness, a power should lie concealed, which might be afterwards made use of for giving a dangerous wound to liberty. Such a law ought not to be introduced at the close of a session, nor ought we, in the passing of such a law, to depart from any of the forms prescribed by our ancestors for preventing deceit and surprise. There is such a connexion between licentiousness and liberty, that it is not easy to correct the one, without dangerously wounding the other: it is extremely hard to distinguish the true limit between them; like a changeable silk, we can easily see there are two different colours, but we cannot easily

discover where the one ends or where the other begins. There can be no great and immediate danger from the licentiousness of the stage: I hope it will not be pretended, that our government may, before next winter, be overturned by such licentiousness, even though our stage were at present under no sort of legal control. Why then may we not delay till next session, passing any law against the licentiousness of the stage: neither our government can be altered, nor our constitution overturned by such a delay; but by passing a law rashly and unadvisedly, our constitution may at once be destroyed, and our government rendered arbitrary. Can we then put a small, a short-lived inconvenience in the balance with perpetual slavery? Can it be supposed, that a parliament of Great Britain will so much as risk the latter, for the sake of avoiding the former?

Surely, my lords, this is not to be expected, were the licentiousness of the stage much greater than it is, were the insufficiency of our laws more obvious than can be pretended; but when we complain of the licentiousness of the stage and of the insufficiency of our laws, I fear we have more reason to complain of bad measures in our polity, and a general decay of virtue and morality among the people. In public as well as private life, the only way to prevent being ridiculed or censured, is to avoid all ridiculous or wicked measures, and to pursue such only as are virtuous and worthy. The people never endeavour to ridicule those they love and esteem, nor will they suffer them to be ridiculed: if any one attempts it, the ridicule returns upon the author; he makes himself only the object of public hatred and contempt. The actions or behaviour of a private man may pass unobserved, and consequently unapplauded, uncensured; but the actions of those in high stations, can neither pass without notice, nor without censure or applause; and therefore an administration without esteem, without authority among the people, let their power be never so great; let their power be never so arbitrary, will be ridiculed: the severest edicts,

the most terrible punishments, cannot prevent it. If any man therefore thinks he has been censured, if any man thinks he has been ridiculed upon any of our public theatres, let him examine his actions, he will find the cause; let him alter his conduct, he will find a remedy. As no man is perfect, as no man is infallible, the greatest may err, the most circumspect may be guilty of some piece of ridiculous behaviour. 'It is not licentousness, it is an useful liberty always indulged the stage in a free country, that some great men may there meet with a just reproof, which none of their friends will be free enough, or rather faithful enough to give them. Of this we have a famous instance in the Roman history. The great Pompey, after the many victories he had obtained, and the great conquests he had made, had certainly a good title to the esteem of the people of Rome: yet that great man, by some error in his conduct, became an object of general dislike; and therefore, in the representation of an old play, when Diphilus the actor came to repeat these words. *Nostra miseria tu es Magnus*, the audience immediately applied them to Pompey, who at that time was as well known by the name of Magnus, as by the name Pompey, and were so highly pleased with the satire, that, as Cicero says, they made the actor repeat the words a hundred times over. ' An account of this was immediately sent to Pompey, who, instead of resenting it as an injury, was so wise as to take it for a just reproof: he examined his conduct, he altered his measures, he regained by degrees the esteem of the people, and then he neither feared the wit, nor felt the satire of the stage. This is an example which ought to be followed by great men in all countries. Such accidents will often happen in every free country, and many such would probably have afterwards happened at Rome, if they had continued to enjoy their liberty; but this sort of liberty in the stage came soon after, I suppose, to be called licentiousness; for we are told that Augustus, after having established his empire, restored order to Rome by re-

straining licentiousness. God forbid we should in this country have order restored, or licentiousness restrained, at so dear a rate as the people of Rome paid for it to Augustus!

In the case I have mentioned, my lords, it was not the poet that wrote, for it was an old play; nor the players that acted, for they only repeated the words of the play; it was the people who pointed the satire; and the case will always be the same. When a man has the misfortune to incur the hatred or contempt of the people, when public measures are despised, the audience will apply what never was, what could not be designed as a satire on the present times. Nay, even though the people should not apply, those who are conscious of guilt, those who are conscious of the wickedness or weakness of their conduct, will take to themselves what the author never designed. A public thief is as apt to take the satire, as he is apt to take the money, which was never designed for him. We have an instance of this in the case of a famous comedian of the last age; a comedian, who was not only a good poet, but an honest man, and a quiet and good subject. The famous Moliere, when he wrote his Tartuffe, which is certainly an excellent and a good moral comedy, did not design to satirize any great man of that age; yet a great man in France at that time took it to himself, and fancied the author had taken him as a model for one of the principal, and one of the worst characters in that comedy: by good luck he was not the licenser, otherwise the kingdom of France had never had the pleasure, the happiness I may say, of seeing that play acted; but when the players first proposed to act it at Paris, he had interest enough to get it forbid. Morliere, who knew himself innocent of what was laid to his charge, complained to his patron the prince of Conti, that, as his play was designed only to expose hypocrisy, and a false pretence to religion, 'twas very hard it should be forbid being acted; when at the same time they were suffered to expose religion itself every

night publicly upon the Italian stage: to which the prince wittily answered, 'Tis true, Moliere, Harlequin ridicules Heaven, and exposes religion; but you have done much worse—you have ridiculed the first minister of religion.

I am as much for restraining the licentiousness of the stage, and every other sort of licentiousness, as any of your lordships can be; but, my lords, I am, I shall always be extremely cautious and fearful of making the least encroachment upon liberty; and therefore, when a new law is proposed against licentiousness, I shall always be for considering it deliberately and maturely, before I venture to give my consent to its being passed. This is a sufficient reason for my being against passing this bill at so unseasonable a time, and in so extraordinary a manner; but I have many reasons for being against passing the bill itself, some of which I shall beg leave to explain to your lordships. The bill, my lords, at first view, may seem to be designed only against the stage; but to me it plainly appears to point somewhere else. It is an arrow that does but glance upon the stage—the mortal wound seems designed against the liberty of the press. By this bill you prevent a play's being acted, but you do not prevent its being printed; therefore, if a licence should be refused for its being acted, we may depend on it, the play will be printed. It will be printed and published, my lords, with the refusal in capital letters on the title page. People are always fond of what's forbidden. *Libri prohibiti* are in all countries diligently and generally sought after. It will be much easier to procure a refusal, than it ever was to procure a good house, or a good sale; therefore we may expect, that plays will be wrote on purpose to have a refusal: this will certainly procure a good house, or a good sale: thus will satires be spread and dispered through the whole nation, and thus every man in the kingdom may, and probably will, read for sixpence what a few only could have seen acted, and that not under the expence of half a crown. We shall then be told, What! will you allow an infamous libel

to be printed and dispersed, which you would not allow to be acted? You have agreed to a law for preventing its being acted, can you refuse your assent to a law for preventing its being printed and published? I should really, my lords, be glad to hear what excuse, what reason one could give for being against the latter, after having agreed to the former; for, I protest, I cannot suggest to myself the least shadow of an excuse. If we agree to the bill now before us, we must, perhaps next session, agree to a bill for preventing any play's being printed without a licence. Then satires will be wrote by way of novels, secret histories, dialogues, or under some such title; and thereupon we shall be told, What! will you allow an infamous libel to be printed and dispersed, only because it does not bear the title of a play? Thus, my lords, from the precedent now before us, we shall be induced, nay, we can find no reason for refusing, to lay the press under a general licence, and then we may bid adieu to the liberties of Great Britain.

But suppose, my lords, it were necessary to make a new law for restraining the licentiousness of the stage, which I am very far from granting, yet I shall never be for establishing such a power as is proposed by this bill. If poets and players are to be restrained, let them be restrained as other subjects are, by the known laws of their country: if they offend, let them be tried as every Englishman ought to be, by God and their country. Do not let us subject them to the arbitrary will and pleasure of any one man. A power lodged in the hands of one single man, to judge and determine, without any limitation, without any control or appeal, is a sort of power unknown to our laws, inconsistent with our constitution. It is a higher, a more absolute power than we trust even to the king himself; and, therefore, I must think, we ought not to vest any such power in his majesty's lord chamberlain. When I say this, I am sure I do not mean to give the least, the most distant offence to the noble duke who fills the post of lord chamberlain;

his natural candour and love of justice, would not, I know, permit him to exercise any power but with the strictest regard to the rules of justice and humanity. Were we sure his successors in that high office would always be persons of such distinguished merit, even the power to be established by this bill could give me no further alarm, than lest it should be made a precedent for introducing other new powers of the same nature. This, indeed, is an alarm which cannot be avoided, which cannot be prevented by any hope, by any consideration; it is an alarm which, I think, every man must take, who has a due regard to the constitution and liberties of his country.

I shall admit, my lords, that the stage ought not, upon any occasion, to meddle with politics; and for this very reason, among the rest, I am against the bill now before us. This bill will be so far from preventing the stage's meddling with politics, that I fear it will be the occasion of its meddling with nothing else: but then it will be a political stage *ex parte*. It will be made subservient to the politics and the schemes of the court only. The licentiousness of the stage will be encouraged instead of being restrained; but like court journalists, it will be licentious only against the patrons of liberty, and the protectors of the people. Whatever man, whatever party opposes the court in any of their most destructive schemes, will, upon the stage, be represented in the most ridiculous light the hirelings of a court can contrive. True patriotism, and love of public good, will be represented as madness, or as a cloak for envy, disappointment and malice; whilst the most flagitious crimes, the most extravagant vices and follies, if they are fashionable at court, will be disguised and dressed up in the habit of the most amiable virtues. This has formerly been the case:—in king Charles II's days, the play-house was under no licence. What was the consequence?—The play-house retailed nothing but the politics, the vices, and the follies of the court; not to expose them; no—but to

recommend them; though it must be granted, their politics were often as bad as their vices, and much more pernicious than their other follies. 'Tis true, the court had at that time a great deal of wit, and it was then, indeed, full of men of true wit and great humour; but it was the more dangerous; for the courtiers did then as thorough-paced courtiers always will do—they sacrificed their honour, by making their wit and their humour subservient to the court only; and what made it still more dangerous, no man could appear upon the stage against them. We know that Dryden, the poet laureat of that reign, always represents the cavaliers as honest, brave, merry fellows, and fine gentlemen; indeed his fine gentleman, as he generally draws him, is an atheistical, lewd, abandoned fellow, which was at that time, it seems, the fashionable character at court. On the other hand, he always represents the dissenters as hypocritical, dissembling rogues, or stupid, senseless boobies.—When the court had a mind to fall out with the Dutch, he wrote his Amboyna, in which he represents the Dutch as a pack of avaricious, cruel, ungrateful rascals:—and when the exclusion-bill was moved in parliament, he wrote his Duke of Guise, in which those who were for preserving and securing the religion of their country, were exposed under the character of the Duke of Guise and his party, who leagued together for excluding Henry IV. of France from the throne, on account of his religion. The city of London, too, was made to feel the partial and mercenary licentiousness of the stage at that time; for the citizens having at that time, as well as now, a great deal of property, they had a mind to preserve that property, and therefore they opposed some of the arbitrary measures which were then begun, but pursued more openly in the following reign; for which reason they were then always represented upon the stage, as a parcel of designing knaves, dissembling hypocrites, griping usurers,—and cuckolds into the bargain.

My lords, the proper business of the stage, and that for which only it is useful, is to expose those vices and

follies which the laws cannot lay hold of, and to recommend those beauties and virtues, which ministers and courtiers seldom either imitate or reward; but by laying it under a licence, and under an arbitrary court-licence too, you will, in my opinion, entirely pervert its use; for though I have the greatest esteem for that noble duke into whose hands this power is at present designed to fall, though I have an entire confidence in his judgment and impartiality; yet I may suppose, that a leaning towards the fashions of a court is sometimes hard to be avoided. It may be very difficult to make one who is every day at court believe that to be a vice or folly, which he sees daily practised by those he loves and esteems.—By custom even deformity itself becomes familiar, and at last agreeable. To such a person, let his natural impartiality be never so great, that may appear to be a libel against the court, which is only a most just and a most necessary satire upon the fashionable vices and follies of the court. Courtiers, my lords, are too polite to reprove one another; the only place where they can meet with any just reproof, is a free, though not a licentious stage; and as every sort of vice and folly, generally in all countries, begins at court, and from thence spreads through the country, by laying the stage under an arbitrary court-licence, instead of leaving it what it is, and always ought to be, a gentle scourge for the vices of great men and courtiers, you will make it a channel for propogating and conveying their vices and follies through the whole kingdom.

From hence, my lords, I think it must appear, that the bill now before us cannot so properly be called a bill for restraining the licentiousness, as it may be called a bill for restraining the liberty of the stage; and for restraining it too in that branch which in all countries has been the most useful; therefore I must look upon the bill as a most dangerous encroachment upon liberty in general. Nay farther, my lords, it is not only an encroachment upon liberty, but it is likewise an encroachment upon

property. Wit, my lords, is a sort of property: it is the property of those that have it, and too often the only property they have to depend on. It is, indeed, but a precarious dependence. Thank God! we, my lords, have a dependence of another kind; we have a much less precarious support, and therefore cannot feel the inconveniences of the bill now before us; but it is our duty to encourage and protect wit, whosoever's property it may be. Those gentlemen who have any such property, are all, I hope, our friends: do not let us subject them to any unnecessary or arbitrary restraint. I must own, I cannot easily agree to the laying of any tax upon wit; but by this bill it is to be heavily taxed,—it is to be excised; for if this bill passes, it cannot be retailed in a *proper* way without a *permit*; and the lord chamberlain is to have the honour of being a chief gauger, supervisor, commissioner, judge, and jury; but what is still more hard, though the poor author, the proprietor I should say, cannot perhaps dine till he has found out and agreed with a purchaser, yet before he can propose to seek for a purchaser, he must patiently submit to have his goods rummaged at this new excise-office, where they may be detained for fourteen days, and even then he may find them returned as prohibited goods, by which his chief and best market will be for ever shut against him; and that without any cause, without the least shadow of reason, either from the laws of his country or the laws of the stage.

These hardships, this hazard, which every gentleman will be exposed to who writes any thing for the stage, must certainly prevent every man of a generous and free spirit from attempting any thing in that way; and as the stage has always been the proper channel for wit and humour, therefore, my lords, when I speak against this bill, I must think I plead the cause of wit, I plead the cause of humour, I plead the cause of the British stage, and of every gentleman of taste in the kingdom. But it is not, my lords, for the sake of wit only; even

for the sake of his majesty's lord chamberlain, I must be against this bill. The noble duke who has now the honour to execute that office, has, I am sure, as little an inclination to disoblige as any man: but if this bill passes, he must disoblige, he may disoblige some of his most intimate friends. It is impossible to write a play, but some of the characters, or some of the satire, may be interpreted so as to point at some person or another, perhaps at some person in an eminent station: when it comes to be acted, the people will make the application, and the person against whom the application is made, will think himself injured, and will, at least privately, resent it: at present this resentment can be directed only against the author; but when an author's play appears with my lord chamberlain's passport, every such resentment will be turned from the author, and pointed directly against the lord chamberlain, who by his stamp made the piece current. What an unthankful office are we therefore by this bill to put upon his majesty's lord chamberlain! an office which can no way contribute to his honour or profit, and yet such a one as must necessarily gain him a great deal of ill-will, and create him a number of enemies.

The last reason I shall trouble your lordships with for my being against the bill, is, that in my opinion, it will in no way answer the end proposed: I mean the end openly proposed, and, I am sure, the only end which your lordships' propose. To prevent the acting of a play, which has any tendency to blasphemy, immorality, sedition, or private scandal, can signify nothing, unless you can likewise prevent its being printed and published. On the contrary, if you prevent its being acted, and admit of its being printed and published, you will propagate the mischief: your prohibition will prove a bellows, which will blow up the fire you intend to extinguish. This bill can, therefore, be of no use for preventing either the public or the private injury intended

by such a play; and consequently can be of no manner of use, unless it be designed as a precedent, as a leading step towards another for subjecting the press likewise to a licenser. For such a wicked purpose, it may, indeed, be of great use; and in that light, it may most properly be called a step towards arbitrary power.

Let us consider, my lords, that arbitrary power has seldom or never been introduced into any country at once. It must be introduced by slow degrees, and as it were step by step, lest the people should perceive its approach. The barriers and fences of the people's liberty must be plucked up one by one, and some plausible pretences must be found for removing or hood-winking, one after another, those sentries who are posted by the constitution of every free country, for warning the people of their danger. When these preparatory steps are once made, the people may then, indeed, with regret see slavery and arbitrary power making long strides over the land; but it will then be too late to think of preventing or avoiding the impending ruin. The stage, my lords, and the press, are two of our out-sentries; if we remove them, if we hood-wink them, if we throw them in fetters, the enemy may surprize us. Therefore I must look upon the bill now before us as a step, and a most necessary step too, for introducing arbitrary power into this kingdom: it is a step so necessary, that if ever any future ambitious king, or guilty minister, should form to himself so wicked a design, he will have reason to thank us for having done so much of the work to his hand; but such thanks, or thanks from such a man, I am convinced, every one of your lordships would blush to receive,—and scorn to deserve.

DUKE OF BEDFORD.

His Speech on the Address.

My Lords,

THERE is not any one reason that has been advanced by the noble duke who spoke last, that has not had a quite contrary effect upon me, than what it seems to have upon the noble duke. His grace thinks that we ought to approve of this convention, because we are in the dark about it; my lords, that is the very reason why I think we ought not to approve of it: I think we have been kept too long in the dark already, with regard to every step of this long and intricate negotiation with Spain. Perhaps, my lords, if we had been kept less in the dark some years ago, the nation might have seen its interest more clearly; we could then perhaps have interposed with greater dignity, with greater weight, than, I am afraid, we can now. But I hope it is not yet too late; the convention which his majesty has been pleased to inform us of from the throne, can never be thought to have received its finishing stroke, but from the approbation or disapprobation of both houses of parliament. We have, my lords, before this time, rescued the nation from ruin, by rejecting measures that had received the last hand from a ministry; perhaps a corrupt ministry indeed, but a ministry that had the same power, the same authority for what it did, that any subsequent ministry can pretend to have. Your lordships, no doubt know

that I mean the famous treaty of commerce with France, which was thrown out by the parliament of Great Britain about the time when the treaty of Utrecht was concluded.

I shall willingly agree with the noble duke who spoke last, in thinking that our unanimity is the best means of securing the nation against all the attacks either of her open or conceäled enemies: but that unanimity, my lords, can only be brought about by every lord in this house contributing all that is in his power towards discovering by what means it has happened, that the solemn resolution of this house, which was laid before his majesty, has been neglected, wilfully neglected, by the negociators of this convention. Can it be expected, my lords, that we shall be unanimous in our approbation of a measure that carries along with it such evident marks of disrespect to parliament, and thereby lays the foundation of measures that may put it out of our power ever after to be of service to the nation? My lords, I can never be persuaded that if the ministry had got from Spain an ample renunciation of all pretence to a right of searching our ships on the open seas, they would not have informed the nation of so considerable a point gained; we should have heard of it in all companies, in all our news papers; and, my lords, it would have been fully and explicitly set forth in his majesty's speech. Therefore, my lords, even his majesty's silence on that head is to me a sufficient proof, that no such renunciation has been obtained; nay, to me it is a proof, that the Spaniards insist on their claim to search our ships, and that we have even submitted to have it discussed by the plenipotentiaries, who are to meet upon the definitive treaty. This is so evident a contempt of the parliament's advice, as if two plenipotentiaries were better judges of our rights and navigation and commerce, than both houses of parliament, that it is surprizing to me, that even an attempt should be made to excuse it—much more to defend it.

My lords, when I heard that a convention was concluded, I imagined that the definitive treaty, which is to follow on that convention, would not be referred to commissaries; and that some other name would be invented for these gentlemen's powers. We had enough of commissaries at the treaty of Seville; that treaty, my lords, was in the main little better than a convention, since, as in the other conventions, a great deal was left to the decision of commissaries. None of your lordships are ignorant of the progress these commissaries made in settling the affairs referred to their decision; and that, after some years expensive and fruitless negotiation, they left them in a more perplexed state than they were before. The points left to their decision were not indeed of such importance as those which by this convention seem to be left to plenipotentiaries; but, my lords, can we easily imagine that plenipotentiaries will be more expeditious than commissaries? I am apt to think, my lords, that they will be a great deal more slow, because the points referred to their decision are of a much weightier nature. Therefore, my lords, as we have found already by experience, that an eventual treaty, if I may call it so, has been so detrimental to the nation, I think it would be highly improper for us to approve of our ministry's concluding another, which we have great reason to think is of a still more pernicious nature. My lords, I would not be understood as if I were absolutely for condemning the convention before we know what it is; but I humbly conceive, that there is a great difference betwixt not giving a sanction to a measure, and utterly rejecting it. By our agreeing to the address as amended, we only give the ministry to understand, that we are surprized they should venture on a manner of negotiating that has been already so detrimental to the nation: but we don't at all profess, that we are resolved to disapprove of it, if, contrary to what we apprehend, there should be some peculiar advantages in this negotiation, that may reconcile it to the interests of the kingdom. This, my lords, is the light in which I

-view the opposition that is made to the address proposed by the noble duke. And, my lords, by agreeing to the amendment, we don't go the length that parliaments used to go in former times. Formerly, my lords, when a speech was made from the throne, a particular day was appointed by parliament for taking that speech into consideration, and in the mean time a committee was appointed for enquiring into, and drawing up a state of grievances of the nation. And, my lords, these grievances were presented to the throne before they returned their address of thanks, which was always qualified according to the hopes which the crown gave them of redressing these grievances. My lords, no man who understands the history of England, will say that our forefathers, were either wanting in the duty they owed to the prince, or in their concern for the liberty of the subject. And, my lords, though the liberty of the subject may now seem more secure from the encroachments of the crown than it was formerly, yet the example of our wise ancestors cannot be too closely imitated, especially when we are apprehensive of any of those grievances under which they laboured. For these reasons, my lords, I am for the amendment.

PHILIP YORKE,

(Afterwards Earl of Hardwicke,)

Was born 1690, died 1764. He was brought into parliament for Lewes in Sussex in 1718. In 1736, he was made lord chancellor, which situation he held for twenty years. He is said to have been a great lawyer. If so, a great lawyer may be a very little man. There is in his speech a *petiteness*, an insignificant subtlety, an affected originality, a trifling formality, which any one, not accustomed to the laborious fooleries and idle distinctions of the law, would be ashamed of. All those of his speeches that I have read are in the same minute style of special-pleading, accompanied with the same apologies for the surprize which must be occasioned by his microscopical discoveries and methodical singularities.

The Chancellor's Speech on a prosecution for a Libel.

My Lords,

THE liberty of the press is what I think ought to be sacred to every Englishman, and, I dare answer for it, will ever be so to your lordships. But, my lords, though the liberty of the press is in every body's mouth, yet, I am afraid, there is nothing less understood than the nature of that liberty. My lords, I have often desired an opportunity of delivering to your lordships my sentiments with regard to the liberty of the press; and as that expression has been mentioned in this debate, I think I cannot have a fairer opportunity of it than the present; but I hope your lordships, beforehand, will acquit me of my affectation to appear singular upon this occasion. I do assure you, my lords, I shall speak my sentiments, and what occurs to me from the most mature reflection I am able to make upon the nature of our constitution and government.

The liberty of the press, my lords, is by most people, I know, taken for a liberty to publish every indecency of any kind, against the most respectable persons, and the highest characters; and so strongly does this notion prevail, that a libeller is no sooner prosecuted, than a cry is immediately set up, that the liberty of the press is endangered. But, my lords, give me leave to say, that if the liberty of the press consists in defamation, it were much better we were without any such liberty. My notion, my lords is, that the words, 'the liberty of the press,' are improperly used, to express a right, which is peculiar to the press, of publishing to the world any defamatory matter to the prejudice of superior, inferior, or equal,

My lords, the laws and constitution of England know of no such liberty; for that would be a liberty destructive of all laws, and all constitutions. How these words came to prevail, was, my lords, in my opinion, in this manner: before the art of printing was known in Europe, learning was confined to a very few. At that time, the transcribers and copiers of books were a very considerable body of men, and were under particular regulations by law. When printing was discovered, these restrictions fell of course, and then every man was at liberty to communicate, at an easy expence, his labours and thoughts upon any subject to the whole world. This, my lords, was found so very convenient, that thence arose the words, 'the liberty of the press.' That this is the natural original of these words, my lords, will appear from considering the nature of our laws with regard to defamatory libels before printing was discovered, compared with what it is now. My lords, before the discovery of printing, very strong statutes were made against defamation, which very statutes are still in force; and no man, my lords, will shew me any one statute upon this head, that was in force before the discovery of printing, which has been since repealed. From this, my lords, I think it evident, that by the expression, the liberty of the press, can never be understood any liberty which the press acquired, and which was unknown before the discovery of printing. This, I hope, your lordships will find a fair and just way of reasoning; and, indeed, the only way in which we can reason on this subject. If any body, my lords, is of opinion, that authors acquired any new privileges or liberties when printing was discovered, he ought to prove, my lords, either that the old statutes on that subject were repealed, or that new ones were made in its favour; which, I will venture to say, no man can do. It is true, my lords, that in some reigns, very great restraints have been laid upon the press, and very great severities have been inflicted on authors and printers, for publishing that which would now pass current. But

this never proves that the laws relating to defamation were bad laws; it only proves that they were abused by power. I am very sensible, my lords, of how much use the press was at the time of the revolution; but the authors who wrote at that time on the side of liberty, advanced nothing that was not agreeable to the constitution; they were warranted by law for what they wrote, and they had the sense of the nation on their side. Besides, my lords, there is a great difference betwixt an author's writing on a speculative subject, on which he thinks he has something to communicate that may be of service to the world, and an author's falling foul on all mankind because they are not of his way of thinking. The authors on the side of the revolution, my lords, communicated their sentiments with the greatest deference to the persons and characters of their superiors, unmixed with personal calumnies, or virulent reflections. Therefore, my lords, it is a groundless cry against the government, when a libeller is punished, to compare the conduct of this government to that before the revolution, unless those gentlemen can prove, to the satisfaction of a jury, that they write with as much caution, and with as much decency, as the writers who in the reign of king Charles II. and king James II. wrote on the principles of liberty.

Having said thus much, my lords, I cannot help taking notice of another very common mistake, with regard to the freedom which some gentlemen think themselves entitled to, in censuring the conduct of their superiors. My lords, this is a freedom unknown to our constitution, and subversive of our known statutes; because a great part of our laws are intended for the relief of any person who is injured by another. Any person, my lords, who is injured by another, were this last the greatest subject in the kingdom, has the courts of justice open for his relief, and he has a jury who will do him justice according to the nature of his case, and then the law is satisfied. No man, my lords, is at liberty, by our laws, to carry his

resentment farther, because, if he carries it farther, he carries it beyond law. From this, my lords, it is plain, that whoever attempts to attack any man's character, by writing or publishing defamatory libels, is guilty of a trespass, and can plead no mitigation of his crime, either from the nature of our constitution, or the tenor of our laws. My lords, I am sensible this doctrine sounds odd, at a time of day when the people, under the notion of liberty, are quite intoxicated with a spirit of licentiousness. But, I know, I speak in an assembly where nothing is approved or condemned before it is thoroughly weighed; and the longer, my lords, your lordships weigh what I have advanced, I am convinced, your lordships will think it more reasonable The libel we are now upon is of the more virulent quality, in that it was impossible any of the subjects of the libel could give any just ground of provocation to the author. My lords, I do not believe any of the noble lords attacked by this impudent libeller, so much as know him by sight, far less have had any manner of opportunity to injure him. This, my lords, is an aggravation of his offence; such a behaviour can proceed from nothing but a wantonness of malice, and therefore, I think, deserves all the severity of your lordships' censure.

JOHN CAMPBELL,

(Second Duke of Argyle,)

Was born 1671, and entered young into the army. He served under the duke of Marlborough: he also distinguished himself as a statesman, and was an active promoter of the union, for which he incurred great odium among his own countrymen. In 1712, he was appointed commander in chief in Scotland, and in 1715, he routed the earl of Mar's army at Dumblain, and forced the pretender to quit the kingdom. Notwithstanding his eminent services to the state, he was deprived of several high offices which he held, for his opposition to sir Robert Walpole. He died in 1743. There is a noble monument erected to his memory in Westminster Abbey. His speeches are characterized by a rough, plain, manly spirit of good sense, and a zealous attachment to the welfare of his country.

The Duke of Argyle's Speech on the Address.

My lords,

As I neither speak from pamphlets nor papers, I cannot precisely tell your lordships how long I shall trouble you on this occasion. It is an affair of as great importance, I will venture to say, as ever came before this house. I have, my lords, employed a great deal of time in endeavouring to form a right judgment of it. I have examined it without prejudice; I have endeavoured to find something in it that may be justified; I have viewed it, my lords, in all the best lights it was capable of; but still, my lords, the more I consider, the more I view it, the more disgraceful, the more deformed, does this convention appear.

I have known, my lords, I have read of measures of this kind, that were, indeed, generally disliked by the people, and were disadvantageous to the nation; but still, my lords, the ministers who carried on and concluded such measures, had something to say in their justification. The weakness of the nation, the conveniency of trade, the strength of our neighbours, or some consideration of that kind, was always pleaded as an excuse. And sometimes, though a treaty was in the main disagreeable, or dishonourable to the nation, yet there were certain particular clauses, some advantages stipulated, which, if they did not balance, served at least to excuse the rest. But, my lords, this convention is not only disagreeable to every body without doors, but it does not contain one article that can be wrested to have so much as a favourable aspect for this nation. To what, my lords, can this be owing? Is it owing to the weakness of the nation? Not at all: this nation is not weak; she has strength sufficient to crush that power that crushes her. If she is poor, my lords, the government feels none of it; for our ministers are as largely supplied with treasure as those ministers were, under whom this nation made the power that now insults us to tremble. Our troops, my lords,

are more numerous, better cloathed than those troops were, who once conquered this insolent neighbour, and filled her throne with a monarch of our own making. I see many lords here, who, I am sure, remember these glorious times, and if, my lords, at that time, any one had ventured to foretel that this nation would soon be reduced to the necessity of negotiating, for the space of eighteen or twenty years, to obtain such a treaty as this is, was there a man in the whole nation that would have believed him?

Have our ministry, my lords, aught to plead in favour of this measure, because it is for the convenience of trade? My lords, every body who understands what trade is, knows, that if this convention is approved of by parliament, our trade must be irretrievably ruined.

Can it be pleaded, my lords, that our enemies are so strong, that we ought in policy to yield a little to their humours? No, our enemies are weak—they are strong only in our fears. We, my lords, are masters of that element whereon the cause must be decided; and let all our enemies, either professed or secret, nay, let all the neutral powers in Europe unite their naval force, we have a fleet now at sea that is able to beat them all. But, my lords, do we behave as if we had any such superiority? Have we so much as asserted the honour of the British flag? Have we not tamely given it up, given it up without the least reason, so far as appears to the world? What the reasons of our ministers may be, my lords, for this pusillanimity, I am entirely ignorant: and as I am ignorant, I am innocent: for, my lords, though I am a privy counsellor, I am as unacquainted with the secrets of the government as any private gentleman who hears me.

I remember, my lords, a very good saying of a noble lord, who once sat in this house, it was the late lord Peterborough. When he was asked by a friend, one day, his opinion of a certain measure; says, my lord, in some surprize, 'This is the first time I ever heard of it.' 'Impossible (says the other,)—why you are a privy coun-

sellor.' 'So I am, (replies his lordship,) and there is a cabinet counsellor coming up to us just now; if you ask the same question of him he'll perhaps hold his peace, and then you'll think he's in the secret: but if he opens once his mouth about it, you'll find he knows as little of it as I do.' My lords, it is not being in privy council, or in cabinet council; one must be in the minister's council to know the true motives of our late proceedings. For my own part, my lords, I can only guess at them, but I have disapproved of them these eighteen years; I have disapproved of them in public, in private, and in all companies. Therefore, my lords, what I speak upon this occasion, I speak it as a citizen of the world, and not as a privy counsellor. I speak the language of an honest and unprejudiced heart, and what I can answer for to my king, my country, and my God.

So far, my lords, as I can judge from the tenour of our late behaviour, our dread of France has been the spring of all our weak and ruinous measures. To this dread, my lords, we have sacrificed the most distinguishing honours of this nation. This dread of France, my lords, has changed every maxim of right government among us. There is no measure for the advantage of this nation that has been set on foot for these many years, to which she has not given a negative; there is no measure so much to our detriment, into which she has not led us. Your lordships may remember, for it happened but a few years ago, that a French ship came into one of our harbours with all her sails up, and her pendants flying; and an English officer, who was but a lieutenant of one of our men of war, fired at her to make her salute his majesty's ship. Your lordships, I am sure, have not forgot what was the consequence: the lieutenant, for barely doing his duty, and which if he had not done he must have been broke, was discharged the service. It is true, my lords, he was afterwards preferred, but not before we, in order to gratify that haughty court, had submitted to the infamy of breaking him.

Here, my lords, was an instance wherein Great-Britain gave up the point of which she always has been, and always ought to be the most jealous—I mean the honour of her flag: and not only so, my lords, but punished a brave officer for doing his duty in our own harbour. He, my lords, had no discretionary power, he acted in absence of his captain, he acted by sea-rules; and yet these rules were broken through in order to pacify that court. Why, my lords, should our ministers shew so much complaisance to other nations, and bear so little affection to our own?

But, my lords, it is not punctilio and form only, that we give up to France; I am afraid we sacrifice more substantial points to please her. I am afraid, my lords, the convention is a French measure. For I can never be persuaded that our fear of aught that can possibly happen to us from Spain, could induce us to agree to this thing, you call a convention. It is the interest of France, that our navigation and commerce should be ruined; we are the only people in the world, whom they have reason to be apprehensive of in America; and every advantage that Spain gains in point of commerce, is gained for her. Therefore, my lords, we are not at all to be surprized, if she takes great pains to bring about a measure of this kind. But, my lords, they looked upon their work as but half done, when this measure was concluded; it must be ratified too, in order to put the parliament under greater difficulties in censuring it. Accordingly, because it seems the slowness of the Spaniards could not be brought to sign it time enough to get it ratified before the meeting of parliament, the session was put off for fourteen days. This brings his majesty's name and authority into question; for they thought that a great many might be dissatisfied with a bad treaty concluded by the minister, who would put up with it, if confirmed by the king. But, my lords, the treaty was of the minister's making; and if ministers make bad treaties, they should answer for them. Our law has most excellently

established it as a maxim, That the king can do no wrong. The reason of this, my lords, is plain; because the constitution has provided a proper council, who shall advise with the king as to the executive part of government: and it is, my lords, always to be supposed, that the persons who compose that council, are well skilled in the laws, the constitution, and the interests of their country. Therefore, my lords, if any wrong is done in the government, it is presumed to be done by those who advised the king. It is true, the nature of our constitution requires that public acts should be issued out in his majesty's name; but, for all that, my lords, he is not the author of them. Therefore the publication of this treaty in his name ought not to indemnify the authors, or to make us swallow what we can never digest.

The approbation of this treaty is brought in by way of an address of thanks to the crown, and is, it seems, no more than a compliment to his majesty. A compliment for what, my lords? For making this convention? His majesty did not make it, the ministry made it. This address, therefore, will tell the world that we return thanks to the minister for this convention, which gives up the security of our trade, and puts us in the power of our natural and hereditary enemies.—Let who will approve of such a measure, I never will.

The noble lords who have spoken for this address, appear to have studied the point. It is no easy matter for one, who speaks occasionally, to answer them. My lords, I don't trouble myself about little niceties and distinctions; about a right and the exercise of a right. For what end do we enjoy a right, if we cannot exercise it? Do we pretend to hinder the Spaniards from searching our ships, when found in their ports or harbours, which is the utmost they can claim by treaty? My lords, we don't. Do the Spaniards suffer us to exercise that our natural and undoubted right, of sailing unmolested on the open seas? No, my lords, they don't; so that the question is not about right, or the manner in which a right is exercised, but betwixt an unreasonable claim and an un-

doubted privilege; betwixt an oppressive usurpation and a lawful title. There is, indeed, another part of the doctrine preached by the reverend prelate, which admits of a very wide difference, though his lordship has been pleased entirely to suppress it; and that is, the difference betwixt a visit and a search. Visiting a ship, my lords, is, when a ship of any force accosts a trading ship of another nation, and sends five or six persons at most in a long-boat, in order to visit her; that is to say, to enquire whence she is come, whither bound, what she has on board, and how long she has been at sea. To all these the master must give explicit answers; and if the captain of the visiting ship still doubts, he may call for his ship's papers, and bills of lading; but has no right to insist any further. If he does, my lords, he commits an act of piracy. A search, on the other hand, is a rummaging the cargo with an intention to confiscate; and this, my lords, is what no treaty betwixt Spain and us subjects our ships to. This, my lords, is what no nation in Europe will suffer from another, and we ought, least of all, especially from the Spaniards. It is shameful that we have suffered it so long If we suffer our seamen to be insulted or interrupted, we give up the honour of the nation, we give up all that formerly gave us success, conquest and glory.

People, my lords, talk of Cromwell, that he was an usurper: I don't deny that; but he still had many valuable qualities, and wanted nothing but a lawful title to have made him one of the greatest men that ever governed this nation. He, my lords, had one maxim from which he never deviated; and that was, never to suffer even the appearance of an insult upon this nation to pass unobserved. Notwithstanding, my lords, his disputed title to the government, a formidable opposition at home, and powerful alliances against him abroad, he kept up the dignity of the sovereignty, and carried the reputation of the British flag to as great a height as ever it has been carried. He, my lords, had to do with three powerful states, France, Holland, and Spain; each of them more power-

ful than they are now: but, my lords, he never entered into any inglorious treaty, he never submitted to any ignominious terms.

He told them what he was resolved to have, and what he would do, if he had it not. This positive way of proceeding, my lords, effected all the nation could desire: for we don't find in history, that any power was so bold as to slight his menaces; they knew him too well to take him for a bully; he never fitted out any armaments, either by sea or land, with which he did not strike some decisive stroke. I will tell you, my lords, one instance: when the Spaniards fitted out a fleet to conquer an isle in the Mediterranean, for want of provisions of their own, they seized upon corn that belonged to a British subject, to the value of 30,000l. On our consul's remonstrating against such a procedure, they clapped him in prison. What did Cromwell do upon this? Did he send plenipotentiaries, at a great expence to the nation, to examine into the nature of the complaints on both sides? Did he patch up a convention for regulating the grievance? No, he ordered his resident at that court to tell them in plain terms, that he gave them so many days to consider, if they would make him satisfaction (upon the terms, my lords, which he himself prescribed,) and if they did not in the time limited, that he would come with his squadron and demand it, upon their coasts, from the mouth of his cannon. This blunt speech had its desired effect; the Spaniards knew whom they had to deal with; therefore they did not treat, but submit.

Supposing, my lords, we had acted with the same spirit, do not your lordships think it would have had the same effect? And why did we not act with the same spirit? We are more powerful now, than we were in the days of Cromwell. The Spaniards are weaker, and our provocations are much greater now than they were at that time. What insults, what barbarities, what breaches of faith have not the Spaniards committed of late? They have plundered our merchants, they have destroyed our

ships, they have murdered our sailors; nay, what is more insufferable, they have chained, they have tortured our countrymen: a method of punishment this nation has ever detested; a barbarity, which even our worst malefactors are free from, by undergoing a punishment in all respects more desirable; that is, death itself. My lords, it will astonish posterity, that we have suffered all these indignities, while we have a fleet able to defy not only Spain and France, as I said before, but all the nations in Europe!

It is said, my lords, that we may want other forces to carry on this war to advantage. It is very possible we may; but has the parliament ever yet refused to comply with any demand of that kind, when land-forces were necessary? I dare say, the parliament would allow 100,000 men, if there were occasion for them. But the misfortune is, my lords, that the nation, I am afraid, will not be persuaded, even though these were raised, that we are in earnest: people will think that our land-army will continue as inactive as our fleets have hitherto been; and that our raising forces before we shew that we dare to do ourselves justice, will but expose the nation to greater inconveniences, and enhance its expences.

Last year, a strong squadron was sent to the Mediterranean, under the command of a gentleman, against whom, I am sure, nobody can have any exception. I know him to be a brave officer, and that he has the interest of his country much at heart. But, my lords, of what use are all these qualifications to the nation, if his guns are muzzled, if his hands are bound up by his instructions from the ministry? What service have the ships under his command performed to his country? What ends have the vast sums of money we have expended, served, if not to weaken us while we are inactive; so that we shall not be able to furnish the necessary expences when we shall come to action? What plea then, my lords, can there be for not declaring war? Is it to avoid the profusion of money? Money, my lords, we daily expend to extrava-

gant and useless purposes. Is it to avoid the profusion of blood? No: yet you have suffered your own sailors to be daily insulted and murdered. My lords, it is time enough for us to shew our tenderness to Spain, when we have revenged the wounds given to the honour of Great Britain.

My lords, as I did not propose, and as I find myself incapable, especially on this occasion, to speak, in order, to every thing that has been suggested in this debate, I shall take them just as they come into my mind. The differences betwixt Spain and us are not of such a nature as to affect only one set of men amongst us. It is not our West-India merchants, my lords, alone, that must suffer, should we approve of this convention. Give me leave to say, that there is not a merchant of whatever denomination in this kingdom, there is not a shop-keeper, there is not a house-keeper, there is not a tradesman, nay, there is not a landed gentleman in the kingdom, whom it will not affect. Consider, my lords, that the balance of our trade to almost all other places in the world, except our own settlements, is against us. But a noble lord has, I think, demonstrated, that if we approve of this convention, we leave our trade and settlements in the West-Indies, entirely to the mercy of Spain. What resource can we then have for supplying the nation with those necessaries of life, which we now import from our own settlements, and which, if they are ruined, we must have from other nations, in what manner, and upon what terms they please? Therefore, my lords, it is no wonder if all ranks, and all degrees of men turn their eyes upon your lordships at this important juncture. If, I say, they look on their all as being at stake, if they have expressed some impatience under the apprehensions of its being given up, I do not wonder at it. The reverend prelate said, that the advocates for the opposition had great advantages over those for the ministry, by means of certain sounds and words. My lords, I am afraid there is something in this case, more than bare sounds and words. I am afraid the real things themselves are in danger, and

that the liberties and interests of this nation must suffer, if your lordships should approve of this measure. My lords, I have formerly known the people spirited up by artful, or hot-headed men against the government, and I have known them commit very great excesses; but, my lords, I always observed, that these excesses were committed by the very dregs of the people, who neither knew what they were about, nor what they wanted. I observe a quite different spirit at this time. The spirit of opposition that now prevails, my lords, is among your cool-headed men, men of weight and interest in their several stations, who pay largely towards the support of the government, and therefore think it a hardship to suffer by any public measure. My lords, though I had no manner of knowledge of the nature of this convention, though I were quite ignorant of all the transactions that preceded it, yet this very circumstance would determine me to suspect, if not oppose it. When I see men of figure in their way, crying out against it, when I see the greatest city in the kingdom petition against it, what should make them such zealous opposers, but their being persuaded that a peace, on the foot of this convention, must be more destructive to their interests, than a vigorous war? Their interests, my lords, lead them to desire peace; they must be considerable sufferers in a war, by their ships being taken, the increase of the taxes, and the stagnation of their trade: but still, my lords, we see, that they look upon all these evils as more tolerable, than such a peace as this convention must give them.

It is certain, my lords, that the peace we have lately enjoyed is not very desirable; we have paid dearly for it; nay, I believe it has cost the nation more to make peace, than it would have done to have made war. But, says a noble lord, the Spaniards are very slow; give me leave to add, my lords, they are very obstinate too. But why are we to pay for their slowness and obstinacy? Are we to fit out fleets, at a vast expence to the nation, only to quicken them to do what equity, what the law of nations, and what positive treaties require them to do? But, my

lords, the worst is, that we have not even obtained that; we have only brought them to negotiate, and to give us a treaty where not one of these considerations has been regarded. This, it seems, proceeds from their obstinacy;—Why then have they not been made to pay for their obstinacy? Why should we pay for it? If they had a mind to be obstinate again, and to refuse to fulfil even the terms of this poor treaty, are we to be again at the expense of 5 or 600,000l. only to bring them into good humour?

My lords, when I first heard this treaty read, I thought it set out with a very bad air. The preamble begins, Whereas differences have arisen;—it does not say justly or unjustly. But what differences, my lords? that word always implies a disagreement of opinion, betwixt two parties, with at least a shew of reason, and an appearance of equal provocation on each side. But, my lords, is that the case betwixt us and Spain? Has she been able to justify her depredations, either by the law of nations, or tenor of treaties? No; the noble lord, and the reverend prelate who spoke so fully in her vindication, have not, I think, given us an instance of a legal capture of one ship, among all the numerous instances complained of, even admitting that they have a right to search in the manner the reverend prelate has pleaded for. I must therefore confess, I was very much surprised to hear a noble lord explain the preamble to this treaty, in the manner he did, as a proof of the willingness of the court of Spain to adjust all differences betwixt us and them, on an equal footing. Had we taken as many ships from the Spaniards, as they have done from us, I should have had no objection to this preamble; but, as it stands, it puts the two nations upon an equality of losses, though one has been the constant aggressor, the other the perpetual sufferer.

The other particulars of this convention have been already so fully spoken to, that I think it unnecessary

for me to add any thing more on those heads; but, my lords, I cannot help taking notice of what happened just before the ratification of this convention, when we find the court of Spain prescribing to us, and our plenipotentiary obeying a Spanish minister, as he would have done a British one. The Spaniards, it seems, could not be brought to any terms till the sitting of parliament approached so near, that they were sure our ministry would give up every point of consequence, rather than not have a treaty of some kind or other to lay before parliament, when it met. My lords, delay in such an affair as this, is equal to a point-blank refusal. Yet, we find, by the letters now upon your lordships' table, that, after a plan of accommodation was drawn up by our ministers, and every thing looked upon as finished, the Spanish minister very rightly apprehended, that they who would grant so much, would grant more. Upon which, a new claim is started, and they refuse to ratify what they before agreed to, till Mr. Keene had, as minister of Great Britain, acknowledged a debt to be due, which in that capacity, he had no power to acknowledge; and, in the capacity of agent for the South-sea company, he ought absolutely to have disclaimed. My lords, this way of proceeding proves plainly, that he has scandalously betrayed the interest of that company. He has sacrificed them to the injustice and exorbitancy of the court of Spain; and put them upon the hard dilemma either of paying a large sum on no pretence, or of being the bone of contention betwixt the two nations.

But, my lords, that company has no greater reason to complain of her agent, than the nation has of her ministers. Compare the dates of the consul of Cadiz's letters, with the time of near a hundred Englishmen being barbarously imprisoned and chained in that city, for no other reason but because they were Englishmen; and you will find, my lords, that these dates exactly agree. The inhumanity was taken notice of by all the world, except by that consul himself. He observes a profound

silence on this head, though his letters wrote at that time are very full and explicit upon other points. My lords, what can we think of this behaviour? That a British consul should, with the greatest unconcern imaginable, see his countrymen daily labouring under confinement, chains, and insults? Does not this imply that the Spanish ministers and ours understood one another? Does it not imply some under-hand dealing, some secret collusion, in order to avoid a war?

I confess, my lords, had I been a minister, I would not have given my advice to run precipitately into bloody measures; but I would have endeavoured to have taken more prudent steps than what I am afraid have been followed. It is true, my lords, that a war, if it can be avoided with honour, especially with Spain, is not for the interest of this nation; and that cautious proceedings are the best means of establishing his majesty, and his royal family, on the throne of this kingdom. But, my lords, though I am for caution, I am not for pusillanimity. That may bring the nation into contempt, and this nation never can be brought into contempt without weakening the royal authority. I know, that the fear of the pretender has a mighty influence with a great many, who talk upon this subject. But, my lords, I am of opinion, that our going on in the same measures as we have done for some time past, will be playing the pretender's game for him. I am sure his majesty has the hearts of the people, and can command their hands too: but a perseverance in these measures will divide us among ourselves; and, my lords, if we are divided, we must be weaker, and give the enemies of the present establishment a better chance of succeeding. For my own part, my lords, I believe nobody doubts of my zeal for the continuance of the crown upon his majesty's head, and his family; I have formerly strenuously asserted the rights of this family; and as I have done it on more than one occasion, it is the more unquestionable. But, my lords, it is not my duty alone that begets this attach-

ment; my inclination is as strong as my duty. The knowledge I have of his majesty's personal virtues, makes it the happiness and glory of every subject to serve him. I know, that he is as strongly attached to the interests of his subjects, as any prince who ever sat upon the throne. But, my lords, the best, the wisest, and most discerning princes, must see many of their most important affairs in the light their ministers represent them: if the ministers misrepresent them, they, my lords, and not the prince, are to blame. Had not his present majesty been misled in this particular, sure I am, that he would have vigorously asserted the rights and privileges of his people, as the greatest of his predecessors ever did. He, my lords, would have imitated the example of that great prince, king Edward III. to whom he may, in many other respects, be so justly compared. And now I have mentioned that great prince, I beg leave to suggest to your lordships, in what manner he would have behaved. The difficulties he had to struggle with from a weak administration in his minority, were very great. The kingdom, my lords, was then governed by a faction composed of a few favourites about the person of the queen-mother; who chose to buy a scandalous peace of the North Britons, a people, my lords, that never abounded over-much in riches, and who were very glad to finger a little of the ready money of this nation. What did the king do, my lords? Young as he was, he had the minion, the minister, who advised that scandalous peace, seized; he had him tried, and hanged. Let us consult history further, my lords; let us consider the behaviour of king Edward IV. in an instance of a similar nature. Did he bear with the injuries France offered to the nation? No, he had recourse to arms; and as his cause was just, his soldiers were victorious. The reign of queen Elizabeth, the most glorious perhaps in all the British annals, was always successful, because it was conducted by a wise and prudent administration. She neither governed by affection, nor by a minister;

for though Burleigh was styled prime minister, yet he was only so in name. He had indeed, a greater share of business, and greater fatigue, than any of the rest; but the affairs of the government were never left to him alone. Commissaries were always appointed, upon every urgent crisis of affairs; and the administration was composed of many, who, though they bore the utmost animosity against him in their private capacity, yet all united in the common cause; they laid aside all other considerations when the interests of their mistress were concerned, when the honour of the nation was at stake. They strenuously entered into warlike measures, rather than suffer any insults; and as their cause was founded on equity, success attended their arms.

To conclude, I entirely concur with the noble lord who first spoke against the address. If it be presented, the event will be dangerous, the consequence fatal. Many other instances I might produce from history to justify my assertions; but as I have already taken up too much of your time, I will only say—these sentiments proceed from an honest and impartial heart.

Duke of Argyle's Speech on the Army.

My Lords,

As the present situation of our affairs may require an augmentation of our forces, and as the success of our arms and the preservation of our liberties may equally depend upon the manner in which the new forces shall be raised, there is, in my opinion, no question more worthy the attention of this august assembly, than what may be the most proper method of increasing our army.

On this question, my lords, I shall offer my own sentiments with greater confidence, as there are few men who have had more opportunities of being acquainted with it in its whole extent, as I have spent a great part of my life in the field and the camp. I commanded a regiment under king William, and have long been either the first, or almost the first man in the army.

I hope, my lords, it will be allowed without difficulty, that I have at least been educated in the best school of war, and that nothing but natural incapacity can have hindered me from making some useful observations upon the discipline and government of armies, and the advantages and inconveniences of the various plans upon which other nations regulate their forces.

I have always maintained, my lords, that it is necessary in the present state of the neighbouring countries, to keep up a body of regular troops, that we may not be less able to defend ourselves, than our enemies to attack us.

It is well known, my lords, that states must secure themselves by different means, as they are threatened by dangers of different kinds; policy must be opposed by policy, and force by force; our fleets must be increased when our neighbours grow formidable by their naval power, and armies must be maintained at a time like this, in which every prince on the continent estimates his greatness by the number of his troops.

But an army, my lords, as it is to be admitted only for the security of the nation, is to be so regulated, that it may produce the end for which it is established; that it may be useful without danger, and protect the people without oppressing them.

To this purpose, my lords, it is indispensibly necessary, that the military subordination be inviolably preserved, and that the discipline be indiscriminately exercised without any partial indulgence, or malicious severities; that every man be promoted according to his desert, and that military merit alone give any pretensions to military preferments,

To make the army yet more useful it ought to be under the sole command of one man, exalted to the important trust by his known skill, courage, justice, and fidelity, and uncontroled in the administration of his province by any other authority; a man enabled by his experience to distinguish the deserving, and invested with power to reward them.

Thus, my lords, ought an army to be regulated, to which the defence of a nation is entrusted; nor can any other scheme be formed which will not expose the public to dangers more formidable than revolutions or invasions. And yet, my lords, how widely those who have assumed the direction of affairs have deviated from this method, is well known. It is known equally to the highest and meanest officers, that those who have most opportunities of observing military merit, have no power of rewarding it; and therefore every man endeavours to obtain other recommendations than those of his superiors in the army, and to distinguish himself by other services than attention to his duty, and obedience to his commanders.

Our generals, my lords, are only colonels with a higher title, without power, and without command; they can neither make themselves loved nor feared in their troops, nor have either reward or punishment in their power. What discipline, my lords, can be established by men, whom those who sometimes act the farce of obedience, know to be only phantoms of authority, and to be restrained by an arbitrary minister from the exercise of those commissions which they are invested with? And what is an army without discipline, subordination, and obedience? What, but a rabble of licentious vagrants, set free from the common restraints of decency, exempted from the necessity of labour, betrayed by idleness to debauchery, and let loose to prey upon the people? Such a herd can only awe the villages, and bluster in the streets; but can never be able to oppose an enemy, or defend the nation by which they are supported.

They may, indeed, form a camp upon some of the neighbouring heaths, or pass in review with tolerable regularity; they may sometimes seize a smuggler, and sometimes assist a constable with vigour and success. But unhappy would be the people who had no other force to oppose against an army habituated to discipline, of which every one founds his hopes of honour and reward upon the approbation of the commander.

That no man will labour to no purpose, or undergo the fatigue of military vigilance, without an adequate motive; that no man will endeavour to learn superfluous duties, and neglect the easiest road to honour and to wealth, merely for the sake of encountering difficulties, is easily to be imagined. And therefore, my lords, it cannot be conceived, that any man in the army will very solicitously apply himself to the duties of his profession; of which, when he has learned them, the most accurate practice will avail him nothing, and on which he must lose that time which might have been employed in gaining an interest in a borough, or in forming an alliance with some orator in the senate.

For nothing, my lords, is now considered but parliamentary interest, nor is any subordination desired but in the supreme council of the kingdom. For the establishment of this new regulation the honours of every profession are prostituted, and every commission is become merely nominal. To gratify the leaders of the ministerial party, the most despicable triflers are exalted to an authority, and those whose want of understanding excludes them from any other employment, are selected for military commissions.

No sooner have they taken possession of their new command, and gratified, with some act of oppression, the wantonness of new authority, but they desert their charge with the formality of demanding a permission to be absent, which their commander dares not deny them. Thus, my lords, they leave the care of the troops, and the study of the rules of war, to those unhappy men

who have no other claim to elevation than knowledge and bravery; and who, for want of relations in parliament, are condemned to linger out their lives at their quarters, amuse themselves with recounting their actions and sufferings in former wars, and with reading, in the papers of every post, the commissions which are bestowed on those who never saw a battle.

For this reason, my lords, preferments in the army, instead of being considered as proofs of merit, are looked on only as badges of dependence; nor can any thing be inferred from the promotion of an officer, but that he is, in some degree or other, allied to some member of parliament, or the leading voters of a borough.

After this manner, my lords, has the army been modelled, and on these principles has it subsisted for the last and the present reign: neither myself, nor any other general officer, have been consulted in the distribution of commands, or any part of military regulations. Our armies have known no other power than that of the secretary of war, who directs all their motions, and fills up every vacancy without opposition, and without appeal.

But never, my lords, was his power more conspicuous than in raising the levies of last year; never was any authority more despotically exerted, or more tamely submitted to; never did any man more wantonly sport with his command, or more capriciously dispose of posts and preferments; never did any tyrant appear to set censure more openly at defiance, treat murmurs and remonstrances with greater contempt, or with more confidence and security distribute posts among his slaves, without any other reason of preference, than his own uncontrolable pleasure.

And surely no man, my lords, could have made choice of such wretches for military commands, but to shew, that nothing but his own private inclinations should influence his conduct, and that he considered himself as supreme and unaccountable. For we have seen, my

lords, the same animals to-day cringing behind a counter, and to-morrow swelling in a military dress; we have seen boys sent from school in despair of improvement, and entrusted with military command; fools that cannot learn their duty, and children that cannot perform it, have been indiscriminately promoted; the dross of the nation has been swept together to compose our new forces, and every man who was too stupid or infamous to learn to carry on a trade, has been placed, by this great disposer of honours, above the necessity of application, or the reach of censure.

Did not sometimes indignation, and sometimes pity, check the sallies of mirth, it would not be a disagreeable entertainment, my lords, to observe, in the park, the various appearances of these raw commanders, when they are exposing their new scarlet to view, and strutting with the first raptures of sudden elevation; to see the mechanic new modelling his mien, and the stripling tottering beneath the weight of his cockade; or to hear the conversation of these new adventurers, and the instructive dialogues of school-boys and shop-keepers.

I take this opportunity, my lords, of clearing myself from any suspicion of having contributed by my advice, to this stupendous collection. I only once interposed with the recommendation of a young gentleman who had learned his profession in two campaigns among the Russians; and whom, yet neither his own desert, nor my patronage, could advance to a commission. And I believe, my lords, all the other general-officers were equally unconsulted, and would, if their advice had been asked, equally have disapproved the measures that have been pursued.

But thus, my lords, were our new regiments completed; in which, of two hundred and fifty officers who have subsisted upon half-pay, only thirty-six have been promoted, though surely they might have pleaded a juster claim to employment, who had learned their profession in the service of their country, and had long lan-

guished in penury, than those who had neither knowledge nor capacity, who had neither acted, nor suffered, any thing; and who might have been destined to the hammer, or the plough, without any disreputation to their families, or disappointment to themselves.

I have been told indeed, my lords, that to some of these officers commissions were offered, which they refused; and for this refusal every reason is alledged but the true; some, indeed, excused themselves as disabled by age, and infirmities, from military service; nor can any objection be made to so just a plea. For how could those be refused in their age the comforts of ease and repose, who have served their country with their youth and vigour?

Others there are, my lords, who refused commissions upon motives very different; in which, nevertheless, some justice cannot be denied. They who had long studied, and long practised their profession; they, who had tried their courage in the breach, and given proofs of their skill in the face of the enemy, refused to obey the command of novices, of tradesmen, and of schoolboys: they imagined, my lords, that they ought to govern those whom they should be obliged to instruct; and to lead those troops, whom they must range in order. But they had forgot they had out-lived the time when a soldier was formed by study and experience, and had not heard, in their retreats, that a colonel or a captain was now formed in a day; and therefore, when they saw and heard their new commanders, they retired back to their half-pay with surprise and indignation.

But, my lords, the follies of last year cannot be easily rectified, and are only now to be exposed, that they may not be repeated. If we are now to make new levies, and increase the number of our land-forces, it is, in my opinion, incumbent upon us to consider by what methods we may best augment our troops, and how we may be able to resist our foreign enemies, with-

out exposing the nation to intestine miseries, and leaving our liberties at the mercy of the court.

There are, my lords, two methods of increasing our forces; the first is, that of raising new regiments; the other, of adding new men to those which already subsist.

By raising new regiments, my lords, we shall only gratify the minister with the distribution of new commissions, and the establishment of new dependences; we shall enlarge the influence of the court, and increase the charge of the nation, which is already loaded with too many taxes to support any unnecessary expence.

By the other method, of adding a hundred men to every company, we shall not only save the pay of the officers, which is no slight consideration, but what seems (if the reports raised by the ministry of our present danger be true,) of far more importance—shall form the new forces with more expedition into regular troops: for, by distributing them among those who are already instructed in their duty, we shall give them an opportunity of hourly improvement; every man's comrade will be his master, and every one will be ambitious of forming himself by the example of those who have been in the army longer than themselves.

If it be objected, my, lords, that the number of officers will not then bear a just proportion to that of the soldiers, it may be answered, that the foreign troops of the greatest reputation have no greater number of officers, as every one must know who is acquainted with the constitution of the most formidable armies of Europe. Those of the king of Prussia, or of the various nations by which we were assisted in the late war, either as confederates or mercenaries, have but few officers. And I very well remember, my lords, that whenever they were joined by parties of our own nation, the inequality in the number of the officers produced contests and disputes.

The only troops in Europe, my lords, that swarm with officers, are those of France; but even these have fewer officers, in proportion to their private men, in

time of war; for when they disband any part of their forces, they do not, like us, reduce their officers to half-pay, but add them to the regiments not reduced, that the families of their nobility may not be burthened with needy dependants, and that they may never want officers for new levies.

There are many reasons, my lords, that make this practice in France more reasonable than it would be in our kingdom. It is the chief view of their governors to continue absolute, and therefore their constant endeavour is to keep great numbers in dependence. It ought to be our care to hinder the increase of the influence of the court, and to obstruct all measures that may extend the authority of the ministry; and therefore those measures are to be pursued, by which independence and liberty will be most supported.

It is likewise to be remembered, my lords, that a French officer is supported with pay not much larger than that of a private soldier among us; and that therefore the argument which arises from the necessity of frugality, is not of the same force in both nations.

There is yet another reason why the French are under the necessity of employing more officers than any other nation: the strength of their armies consists in their gentlemen, who cannot be expected to serve without some command: the common soldiers of the French army are a mean, spiritless, despicable herd, fit only to drudge as poineers, to raise entrenchments, and to dig mines; but without courage to face an enemy, or to proceed with vigour in the face of danger.

Their gentlemen, my lords, are of a very different character; jealous of their honour, and conscious of their birth, eager of distinction, and ambitious of preferment. They have commonly their education in the army, and have no expectations of acquiring fortunes equal to their desires by any other profession, and are therefore intent upon the improvement of every oppor-

tunity which is offered them of increasing their knowledge and exalting their reputation.

To the spirit of these men, my lords, are the French armies indebted for all their victories, and to them is to be attributed the present perfection of the art of war. They have the vigilance and perseverance of Romans, joined with the natural vivacity and expedition of their own nation.

We are therefore not to wonder, my lords, that there is in the French armies an establishment for more gentlemen than in other countries, where the disparity between the military virtues of the higher and lower classes of men is less conspicuous. In the troops of that nation nothing is expected but from the officers; but in ours the common soldier meets danger with equal intrepidity, and scorns to see himself excelled by his officer in courage or in zeal.

We are therefore, my lords, under no necessity of burthening our country with the expence of new commissions, which in the army will be superfluous, and in the state dangerous, as they will fill our parliament with new dependants, and our corporations with new adherents to the minister, whose steady perseverance in his favourite scheme of parliamentary subordination will be perhaps the only occasion of these new levies, or at least has hindered the right application of our standing troops. For what reason, my lords, can invention or imagination assign, why the troops who had been for some time disciplined, were not rather sent to the assistance of Vernon than the new marines, except that some of them were commanded by men, who had obtained seats in the other house, and who by their settled adherence and avowed fidelity to the minister, had recommended themselves too powerfully to be rashly exposed in the service of their country to the bullets of the Spaniards.

So great, my lords, has been the minister's regard to parliamentary abilities, and so strict his gratitude to his

friends, that I know of but one member of the other house that has been hazarded in this expedition; and he a hopeless, abandoned patriot, insensible of the capacity or integrity of our ministry, and whom nothing has been able to reconcile to our late measures. He, therefore, who has never exerted himself in defence of the ministry, was in his turn thought unworthy of ministerial protection, and was given up to the chance of war without reluctance.

But I hope your lordships will concur with me in the opinion, that it is not always necessary to gratify the ministry, but that our country claims some part of our regard; and therefore, that in establishing our army we should pursue that method which may be most accommodated to our constitution, and instead of imitating the military policy of the French, follow the example of those nations by whose troops they have been conquered.

Had this scheme been hitherto followed, had our new levies, instead of being put under the command of boys, been distributed in just proportions among the standing regiments, where they might soon have been qualified for service by the inspection of experienced officers, we might now have seen an army capable of awing the court of Spain into submission, or, if our demands had been still refused, of revenging our injuries, and punishing those who had insulted and despised us.

From an army thus raised and disciplined, detachments, my lords, ought to have been sent on board of all our fleets, and particularly that which is now stationed in the Mediterranean, which would not then have coasted about from one port to another, without hurting or frighting the enemy, but might by sudden descents have spread terror through a great part of the kingdom, harassed their troops by continual marches, and by frequent incursions have plundered all the maritime provinces, driven the inhabitants into the inland country, and laid the villages in ashes.

There is yet, my lords, no appearance of a peace; for our success has not enabled us to prescribe terms, and I hope we are not yet fallen so low as to receive them. It is therefore proper to form such resolutions as may influence the conduct of the war, and enable us to retrieve the errors of our past measures.

The minister, my lords, is not without panegyrists, who may perhaps endeavour to persuade us, that we ought to resign all our understandings to his superior wisdom, and blindly trust our fortunes and our liberties to his unshaken integrity. They will, in proof of his abilities, produce the wonderful dexterity and penetration which the late negotiations have discovered, and will confirm the reputation of his integrity by the constant parsimony of all his schemes, and the unwillingness with which he, at any time, increases the expences of the nation.

But, my lords, it is the great duty of your high station to watch over the administration, and to warn those who are more immediately entrusted with the public affairs, against measures which may endanger the safety or happiness of the nation; and therefore, If I have proved to your lordships, that to raise new regiments is dangerous to our liberties; that a multitude of officers is of no use in war; and that an army may be more expeditiously disciplined by adding new men to every company, I hope your lordships will agree to this resolution, which I have drawn up with the greatest brevity, and of which the meaning cannot be mistaken:

That the augmenting the army by raising regiments, as it is the most unnecessary and most expensive method of augmentation, is also the most dangerous to the liberties of the nation.

HONOURABLE EDWARD COKE.

The following speech contains some reflections that are not inapplicable to the present times. It is curious to observe how exact a picture the author has exhibited of the present state of Europe, how literally his fears have been verified, and yet how utterly unfounded and chimerical they were at the time. One might be tempted to suppose, in reading the dreams of these forward and self-pleasing prognosticators, that the scheme of universal empire, with which the rulers of France have been so often complimented, had familiarized her imagination to the design, and engendered those high thoughts of ambition and vanity which have at length rendered her power, not a glittering phantom, an idle bugbear, a handle for crooked policy, for low manœuvres, and petty, vexatious, endless hostility, the play-thing of orators and statesmen, but a tremendous and overwhelming reality, that like a vast incubus overlays the continent of Europe, and benumbs its lethargic energies.

His Speech on the Address.

Sir,

As our duty to our sovereign makes it necessary for us to return some sort of address by way of answer to his speech from the throne, at the opening of a session, and as this practice has been established by immemorial custom, I should not think it necessary to give you any trouble, or to say any thing in support of the motion I am to make; but the present conjuncture is so critical, and the services his majesty has lately rendered, even at the risk of his sacred life, are so extraordinary, and have been attended with such happy consequences, that I cannot rise up, upon this occasion, without taking particular notice of them; therefore I hope I shall be excused, if I introduce my motion with my sentiments upon that surprising turn which has been lately given to the affairs of Europe, by his majesty's wisdom and conduct.

In order to do this, sir, I must begin with observing the dismal prospect we had of the affairs of Europe

about eighteen or nineteen months ago. I think there is no maxim in politics more certain than this—that it is inconsistent with the liberties of Europe, to allow France to increase her own power, or to divide the power of Europe into so many branches as to make it impossible for any one prince or state to think of opposing her in any of her ambitious schemes; for it is very certain, that, as soon as the thoughts of opposition end, those of dependence begin; and consequently, if France could once effect this purpose, all the princes and states of Europe would become dependent upon her, and most of them would, at all times, think of preserving their insignificant shadow of sovereignty, only by being obedient to her commands, and assisting her against those who should bravely dare to rebel. We should then be in the same circumstances Europe, or, I may say, the world was, when the grandeur of the Romans was at its greatest height. Some of the princes and states of Europe might be dignified with the deceitful title of *Socii Gallici Imperii*; but if ever any of them should dare to behave otherwise than as the most abject slaves, even that empty title they would be stripped of, and their territory would be converted into a province of the French Empire. Our royal family, like that of Macedon, might, for some time, be left in possession of their throne; but if any one of our future princes should endeavour to shake off his dependency, a powerful invasion would be the certain consequence; and if France were sole mistress of the continent of Europe, or had it entirely at her command, our natural barrier would prove ineffectual: she would then come up against us with such a power as we could not oppose, either by sea or land; our royal family would be cut off; our noble and great families would be all carried captives into France; and Britain would, from thenceforth, be divided, and governed by French intendants or lieutenants, as Macedonia was by Roman prætors or proconsuls.

This consequence was foreseen, sir: this consequence all Europe was sensible of in the last age: I wish

I could say the same of the present; but, by what fatality I know not, the present age seemed, a few months ago, to be struck with such a blindness as prevented their seeing this danger, though it was never more apparent. Several of the princes of Europe, governed by a private selfish interest, had actually joined with France in pulling down the house of Austria, though that was the only power, upon the continent of Europe, that could, by itself, pretend to limit or set bounds to the ambitious views of France. By this means the queen of Hungary was environed with such numerous hostile armies as it was impossible for her to resist for any long time, and the confederacy against her was so powerful, that no counter-confederacy equal to it could be formed. This, I shall grant, was in some measure owing to her own unseasonable obstinacy, as well as to the selfish views of some of her enemies; for, however unjust she might think their pretensions, in common prudence she should, upon the death of her father, have yielded to those that were the most moderate, in order to enable her to resist those who were so immoderate as to aim at the total overthrow of her house.

This, sir, was, from the beginning of the present troubles, his majesty's advice to her; but this prudent advice she would not, for a long time, give the least ear to; and this not only united her enemies amongst themselves, but increased the views and demands of each; which reduced his majesty to the fatal necessity of waiting till her obstinacy should be softened, and the eyes of some of her enemies opened, by time and future accidents. This he was obliged to do before he could openly declare in her favour, or assist her in any other shape than by granting her sums of money; but this he did with a steady design to take advantage of every accident that might happen; and the behaviour of the French in Germany, especially about the time of the battle of Crotzka, was such as furnished him with an opportu-

nity, which he wisely took care to lay hold of, and to make the best use of it he could; whereby he prevailed upon both the kings of Prussia and Poland to withdraw themselves from the French alliance, and to make peace with the queen of Hungary, upon terms which (her obstinacy being now overcome by time and mature consideration) he readily agreed to.

By this prudent conduct of his majesty, it became now possible to form such a confederacy in Europe as might, with some hopes of success, endeavour to oppose the ambitious designs of France; and to give courage to the other powers of Europe to enter into such a confederacy, he resolved to send a body of his British troops to Flanders, in order to have a numerous army formed there, which, before the end of the campaign, raised such terrors in France as prevented their sending sufficient reinforcements to their troops already in Germany, and likewise prevented their joining the Spaniards with such armies as might have overwhelmed the king of Sardinia, or compelled him to desert the alliance he had before, by his majesty's interposition, entered into with the queen of Hungary. At the same time, proper orders were given to his majesty's admirals in the Mediterranean to prevent the Spaniards from sending any reinforcements or provisions by sea to their army in Italy, and our squadron there was reinforced and instructed so as to enable it to execute those orders, against whosoever should dare to abet the Spaniards in any such attempt.

By these means, sir, the queen of Hungary was, before the end of the campaign, restored to the possession of Bohemia, Westphalia was freed from the burden and terror of a French army, and the Spaniards were, during the whole campaign, defeated in every attempt they made against Italy; but there were two things still remaining to be done; which were, to drive the French entirely out of Germany, and to establish, upon a more solid basis, the alliance of the king of Sardinia,

in order to drive the Spaniards entirely out of Italy; for which purpose, it was requisite to obtain the hearty concurrence of the Dutch. These things were to be the work of the next campaign, and therefore, as early as the season would permit, the army which had been formed in Flanders, marched into Germany, and his majesty not only joined it with a considerable body of his electoral troops, but went in person to command the army; and, by his valour and conduct chiefly, the glorious victory at Dettingen was obtained, which compelled the French to evacuate Germany, and not only put the queen of Hungary in possession of all Bavaria, but opened a free passage for her armies to the Rhine; so that France, from being the invader of the dominions of others, had now enough to do to defend her own.

Whilst his majesty was thus triumphing over the arms of France in the field, he equally triumphed over her counsels in the cabinet; for, notwithstanding the utmost efforts of France to the contrary, he prevailed with the Dutch to send a body of 20,000 men to the assistance of the queen of Hungary, and a definitive treaty of alliance was concluded at Worms, between his majesty, the queen of Hungary, and the king of Sardinia, by which the alliance and assistance of that prince was established upon a firm basis; and experience has already shewn the great use it may be of to us, in defeating the designs of our enemies the Spaniards, in Italy, which will convince that haughty nation of its being necessary for them to cultivate a good correspondence with Great Britain, if they have a mind to be quiet in their own possessions, or to disturb the possessions of any of their neighbours.

These great and unexpected events, sir, have been all brought about by the wisdom and vigour of his majesty's counsels; and therefore we cannot in gratitude omit taking notice of them upon this occasion. I was very sensible that there were many gentlemen in this house, who could have set them in a clear light, and

recommended them to your consideration with greater energy, than I can; but I knew your affection and duty to your sovereign, and the lustre of those events was in itself so refulgent, that I thought it required no high degree of eloquence to excite your grateful acknowledgments; therefore I ventured to undertake the task, and hope I shall be forgiven my arrogating to myself the honour of moving for its being resolved, "That an humble address be presented to his majesty, to return his majesty the thanks of this house for his most gracious speech from the throne; to congratulate his majesty upon his safe and happy return to this kingdom, after the dangers to which his sacred person has been exposed, in defence of the common cause, and of the liberties of Europe; to acknowledge his majesty's regard and attention to the advice of his parliament, in exerting his endeavours for the preservation of the house of Austria; to congratulate his majesty on the success of his arms, in the prosecution of this great and necessary work, with so much glory to his majesty and honour to this nation; to assure his majesty, that nothing could be more welcome to his faithful commons, than to hear that he was joined by a body of the troops of the States General, whose interests and those of this country are inseparable; to declare our satisfaction in his majesty's having concluded a definitive treaty between his majesty, the queen of Hungary, and the king of Sardinia; which alliance must naturally contribute to the advantage of the common cause, and to the disappointing and distressing the crown of Spain, with which this nation is engaged in so just and necessary a war; to assure his majesty that we will, with the greatest zeal, unanimity, and dispatch, grant to his majesty such effectual supplies as shall be found requisite for the honour and security of this nation, and as may enable his majesty to concert such alliances, and pursue with vigour such measures, as may be necessary for re-establishing the public tranquillity, and procuring a safe and honourable peace.

SIR DUDLEY RYDER.

To those who have to wade through the crude, undigested mass of the records of parliament, there is such a tedious monotony, such a dreary vacuity of thought, such an eternal self-complacent repetition of the same worn-out topics, which seem to descend like an inheritance from one generation to another, that it is some relief to escape now and then from the dull jargon of political controversy. I have given the following speech, though it is sufficiently dry and uninteresting in itself, because it a little varies the prospect, and contains something that looks like ingenuity and argument.

His Speech on the Pretender's Sons Bill.

Sir,

THOUGH the bill now before us went through this house with great unanimity, yet as the amendments made to it by the other house, are not only important, but, I think, absolutely necessary, I shall beg leave to explain them a little; and when they are explained, I hope they will meet with a ready concurrence from this house. The first material amendment, I mean that for attainting the two sons of the pretender, in case they should land, or attempt to land in Great Britain, or any of the dominions thereunto belonging, can stand in no need of any long explanation, or many arguments for procuring your approbation. If they, or either of them, attempt to land in any of his majesty's British dominions, we can make no doubt of the design they will have in view: we must be convinced, that it will be with a design to raise or countenance a rebellion against his majesty's government, and therefore, every gentleman must see the necessity of declaring them guilty of high treason, in case they make any such attempt.

I shall therefore, sir, say nothing farther upon this head; but the other amendments, by which the

effect of one of the clauses in the act of the 7th of queen Anne is to be suspended during the lives of the pretender's two sons, will require some more elucidation, not because it is in itself obscure or difficult to be understood, but because of the deceitful lights it has been thrown into, and the clamour that has been thereby raised against it. To my great surprize, sir, this amendment has been represented as inconsistent with religion, inconsistent with natural justice, inconsistent with our laws, and inconsistent with the freedom of our constitution. These are such heavy charges, that I think myself obliged in duty to the crown, in duty to this house, and in duty to myself, as I am to propose agreeing with the other house in this amendment as well as the rest; I say, sir, upon all these accounts I think myself obliged to shew, that every one of these charges is false, and that what is now proposed, is not only agreeable to religion, natural justice, and our laws, ancient and modern, but absolutely necessary for preserving the freedom of our constitution. In order to do this, if I dip a little farther into the writings of learned men, and famous lawyers, than is usual in debates here, I hope the necessity I am under will excuse the liberty I take; but before I begin, I must observe, that by this amendment it is not proposed to repeal the law of the 7th of queen Anne, with regard to forfeitures for treason, but only to suspend the effect of that law for a period, which may perhaps, be of longer duration than the period for which it stands now suspended; and therefore, if I can shew that there is nothing irreligious, unjust, or inconsistent with our laws or liberties, in those forfeitures, were they to be made perpetual, I hope it will operate more strongly in favour of the amendment now under our consideration.

All that can be said, sir, against forfeitures for treason, must proceed from mistaking or misrepresenting the nature of punishments, and the ends for which they have been introduced into human societies. Punishment is

said to be *malum passionis, quod infligitur ob malum actionis;* and therefore, in its own nature, it must be confined to the person of the criminal; for whoever pretends to inflict a punishment upon an innocent person, cannot properly be said to punish: on the contrary, he deserves to be punished, because in so doing he commits a crime, or a *malum actionis;* and for that reason ought to have a *malum passionis* inflicted upon him. However, there are many misfortunes, inconveniences, and losses, which innocent men are subjected to by the nature of things, and may be exposed to by the laws of society, for the preservation or welfare of the society. As there are many diseases that descend from parents to children, it is a misfortune for a child to be born of parents afflicted with such diseases: it is a misfortune for a child to be born of parents that are poor and indigent; but these misfortunes are not to be called punishments, because they are, by the nature of things, inflicted upon innocent persons. There are others, as I have said, which innocent men may be exposed to by the laws of society: such were the confinements which leprous or unclean persons were exposed to by the Jewish law; and such are those confinements which people are subjected to by our law, who are infected, or under suspicion of being infected with the plague: such, likewise, are the misfortunes which attend children who are born of slaves, in countries where slavery is established: such were the incapacities of children born of plebeians, in the ancient Roman commonwealth, who could not intermarry with the patricians, nor be advanced to any of the chief posts in the government: and such are the misfortunes attending children born in this country, of parents who happen to be convicted of treason; because by their attainder they are divested of every thing that belonged to them, and therefore the children are in the same state as if they had been born of poor and indigent parents. But none of these misfortunes can be said to be punishments, nor were ever called so by those who understand any thing of the laws of nature or nations.

Both the learned Grotius, and the learned Puffendorf, are clear upon this subject. The former, in treating of what he calls the communication of punishments, in order to shew that an innocent man ought not to be made to suffer for the crime of the guilty, distinguishes between that damage or loss which a man may suffer directly, and that which he may suffer consequentially. A man suffers directly, he says, when any thing is taken away from him, which properly belonged to him; and he suffers consequentially, when he loses what he has a conditional right to, by the failure of the condition upon which he was to have it: and forfeitures he expressly mentions as a damage or loss of this last sort; because children have but a conditional right to their father's estate, that is, provided the father dies possessed of it. For this reason, that learned gentleman says, that forfeiture is no punishment upon the children, but only a damage which they suffer, not directly, but consequentially, by the crime of the father, which prevented the existing of that condition upon which they were to have had his estate; and after having thus distinguished, he concludes, that no man who is perfectly innocent can be punished for the crime of any other man.

The learned Puffendorf, again, treats this subject in the same manner, and almost in the very same words. He distinguishes between a damage suffered directly and consequentially: "The first is, (says he,) when a man is deprived of that he has already a proper right to: The second, when that condition is intercepted, without which he could not enjoy such a right. Thus, when the estate the parents were possessed of is forfeited, the children also feel the loss of it: but, however, this is not a punishment properly, with respect to the children, because they cannot come to the inheritance of their father's estate, unless the father preserves it for them till he dies; and therefore, the confiscation or forfeiture only intercepts the condition, without which the children can have no right to the father's estate."

To the opinion of these two learned moderns, sir, I shall add the opinion of a very famous man among the ancients; I mean Marcus Tullius Cicero; who, in one of his letters to Brutus, approves of the forfeiture of Lepidus, and says, it was as just to reduce his children to a state of want and misery, as it was in the Athenians to reduce the children of Themistocles to that wretched state. To which he adds, that was an ancient and general custom in all commonwealths: from whence I think I may infer, that the forfeiture of traitors was a law which prevailed among the Romans, long before the establishment of their empire. And that this law was established among the Jews, even in king David's time, is evident from the story of Mephibosheth, and his servant Ziba; for, from thence, we find, that the estate of Saul had been forfeited, but was restored to Mephibosheth, for his father Jonathan's sake, and was again taken from him by a new forfeiture, on a false suggestion of Ziba's.

Having thus shewn, sir, that the forfeiture of a guilty father cannot be looked on as a punishment upon the innocent children, it can no way be said to be inconsistent with religion, especially that precept delivered to the Jews, which forbids punishing the father for the son's iniquity, or the son for the father's. That law was certainly meant against subjecting either the one or the other directly to any loss, damage, or inconvenience, for the crime of the other, and not against that consequential damage which is brought upon the son by the forfeiture of the father; and, as I have shewn that forfeitures have been approved of by the most learned lawyers, both ancient and modern, and were established in the Jewish, Grecian, and Roman commonwealths, no gentleman can, I think, have the confidence to aver, that they were, or are, inconsistent with natural justice, or the liberties of a free people.

The next thing I am to shew, sir, is, that they are consonant to the laws of this kingdom, both ancient and modern. Here indeed, I am at some loss what gentle-

men may mean by our ancient laws; and therefore, that I may not be accused of any neglect, I shall go as far back as I can. I think I may be very sure, that no man can tell what our laws were, or whether we had any, before the Romans came amongst us. If gentlemen mean by our ancient laws, the laws which prevailed amongst us whilst we were subject to the Romans, then certainly, the law of forfeiture for treason was established, because it was then a part of the Roman law. If we come to the laws of the Saxons, and say, that these were the ancient laws of this kingdom, I think the point may be as positively determined in favour of forfeitures; for that the feudal customs prevailed among the Saxons, as well as among their other northern neighbours, is, in my opinion, clear to a demonstration; and it is certain, that by the feudal law, the forfeiture of the estate was the certain consequence of any breach of fealty in the tenant or vassal. If we refer to the fragments, still remaining, of the Saxon laws that were established in this kingdom, the point will be as clear in my favour. It is very true, that from these fragments it appears, that fines, or mulcts, were the punishments inflicted upon most crimes; but still there were some that were punishable with death, or forfeiture of estate, and sometimes with both. By a law of king Ina's, it is expressly enacted, that whosoever fights in the king's palace, shall lose his inheritance: *hæreditatem perdat*, are the words of the law. And, by a law of the famous king Alfred, it is enacted in these words: *Si quis vitæ regis insidietur, per se, vel per ultores mercede conductos, vel servos suos, vita privetur et omnibus quæ possidet.*

Thus, sir, it is evident, that forfeitures were in use among the Saxons; and that they have been constantly in use since the conquest, not only in treasons but in felonies, so far as relates to goods and chattels, no man can deny; therefore they must be allowed to be consonant to our laws, ancient and modern; and that they are not inconsistent with the freedom of our constitution,

experience itself must bear witness; for we have hitherto preserved our constitution entire, and I doubt much if we shall be able to do the same, should forfeitures of all kinds be abolished; for it is certain, that nothing can be of more dangerous consequence to the liberties of a free people, than frequent civil wars. The first civil war that happened among the Romans, was that which they called the *sociale bellum*, or the war begun by the several people and cities in Italy, whom the Romans, that is to say, the citizens of Rome, would not admit to an equal share in the government with themselves. How long did they preserve their liberties after the commencement of this civil war? Not much above sixty years; for this war began about the year 660 after the building of their city, which was their æra; and Augustus Cæsar, after the battle of Actium, was confirmed in the absolute government of that vast empire in the year 725, of the same æra. And even in this kingdom, a civil war has, more than once, put an end to the freedom of our constitution; for the civil war between the houses of York and Lancaster, established what I may very properly call an absolute government in the person of Henry the VIIIth; and the civil war between Charles I. and his parliament, established an absolute government in the person of Oliver Cromwell. It is true, as our constitution is more perfect and better contrived than that of the Romans ever was, it has hitherto always recovered itself; but considering the change in the manners of our people, if it should hereafter be overturned by a civil war, I am afraid it will never recover; therefore, there is no evil we ought to guard more cautiously against than that of a civil war; which brings me to consider the end, or design of punishment, and in particular, of that punishment called forfeiture.

Sir, the chief end of all punishment ought to be, the general good of mankind, or of society. For this end, public punishments have been introduced; and those crimes which bring the greatest mischiefs upon man-

kind, or upon society, ought to be punished in the severest manner, *ut unius pœna metus sit multorum*, and *ut pœnæ genere deterreri cæteri possint.* Rebellion, or treason, is, of all others, the crime which brings the heaviest mischiefs upon society, especially when a civil war is thereby kindled in a country; therefore, in all ages and all nations, this crime has had the severest punishments inflicted upon it, and, generally speaking, in all countries as well as this, the posterity of traitors have been reduced to the lowest state of any subject; nay, in most countries, have been rendered incapable of honours or preferments; in order that they might be lasting examples of terror to others, for preventing their being guilty of a crime that might reduce their posterity to the same wretched state. This is the end of forfeitures and corruption of blood; and though they are punishments inflicted upon treason, they are not punishments upon the innocent children, no more than it is a punishment upon a child to be born of indigent parents, or of parents that are slaves. In both cases they are misfortunes only; and the misfortunes which the children labour under, are, in both cases, of great service to society. When we see the misfortunes that children born of slaves labour under, it inflames us with a love of liberty; when we see the misfortunes that children born of indigent parents labour under, it promotes our industry and frugality; and when we see the misfortunes that children born of traitors labour under, it makes us the more cautious of being guilty of the like crimes. The execution of a traitor is a fleeting example, which is soon forgot; but the misfortunes of his posterity are a permanent example, which many have continually before their eyes; and as this permament example certainly contributes to the preventing of civil wars, it must, in my opinion, contribute to the security of the happy constitution we now live under.

Whether we should ever allow the punishments which produce these permanent examples to be abo-

lished, is a question, sir, that I shall not take upon me to determine, nor is there any necessity for my giving my opinion upon it at present; but this I am very sure of, that we should not allow these punishments to be abolished during the life of either of the pretender's sons; because while they live, there will always be too many amongst us infected with an itch of rebellion; and all politicians, as well as lawyers, agree, that the greater likelihood there is that a crime of any particular sort will be committed, the more severe ought the punishment to be; for the terror of the punishment ought, if possible, to be made superior to the itch of committing the crime; and as that itch of inclination will be stronger and more general during the lives of the pretender's two sons than we can suppose it will be afterwards, therefore we must have, during that period, more severe punishments upon treason, than may be afterwards necessary to be continued.

I hope, sir, I have now fully explained, and shewn not only the justice, but the necessity of the amendments made by the lords to this bill; and therefore shall conclude with moving, that this house do agree to the amendments made by the lords to this bill.

WILLIAM PITT, ESQ.

His Speech on the Address.

Sir,

THE amendment proposed upon this occasion, is so very unseasonable, and has such a dangerous tendency, that I need not take up much of your time with arguments against it. I should not, indeed, have given you any trouble upon the occasion, but that I am afraid of being supposed to have had a concern in drawing it up, and having it at this time offered to your consideration. As I have always appeared to be a friend to every thing that could be reasonably offered for securing

the independency of parliament, and as this amendment seems to have a tendency that way, I think it incumbent upon me to declare, that if my advice had been previously asked, I should have made use of all the little rhetoric I am master of, to persuade the hon. gentlemen not to offer such an amendment at such a dangerous conjuncture.

Sir, I shall always be a real friend to any regulation which may appear to me to be effectual for preventing the fatal effects of corruption; and, therefore, I shall never be for introducing any such regulation into this house, nor shall I ever make or advise making any motion for that purpose, but at a proper season, and when, I think, there is at least a chance for its being agreed to. We know well enough, sir, that all such motions are, and I hope will ever be, the favourites of the people; and therefore, we may expect, that they will sometimes be made by gentlemen, who have no other design but to cast a slur upon the administration, by obliging them to endeavour to get a negative upon a popular motion; but I shall never make any motion with such a view; and I cannot allow myself to suspect, that the hon. gentleman had any such view in offering this amendment. At a time of so much danger, at a time when our all is at stake, whatever opinion we may have of our administration, or of our ministers for the time being, surely it is unseasonable, at such a time, to attempt any thing that may raise discontents among the people, or lessen their confidence in those who are placed in authority over them.

Whilst the nation is engaged in a most dangerous and expensive foreign war, a rebellion breaks out at home. Those rebels have already gained a victory over the king's troops, which has made them almost wholly masters of one part of the united kingdom. We are under daily apprehensions, both of an irruption, and a foreign invasion's being made upon the other: and that invasion would, certainly, be attended

with an insurrection. In such circumstances, shall we amuse ourselves with contriving methods to prevent the effects of corruption? Shall we spend our time in projects for guarding our liberties against corruption, when they are in such immediate danger of being trampled under foot by force of arms? Would not this be like a man's sitting down to think of ways and means for preventing his being cheated by his servants, at the very time that thieves were breaking into his house?

No gentleman, sir, who has a due sense of the danger we are in, will, or can, think of any thing else, till we are entirely delivered from that danger. Much less will any such gentleman think, till then, of introducing bills, that must raise great altercations amongst us, and may, if defeated, occasion discontents and heartburnings among the people. I hope, the rebellion will be extinguished, long before this session is at an end; and the moment it is, I believe, I shall be for our resuming the consideration of what may be necessary to be done for preventing a corrupt dependency in parliament. At present, I can think of no reason for suspending that consideration any longer; and therefore, I hope, we may be able to frame some such bills as are hinted at in this amendment, before the present session expires; but suppose nothing of the kind should be attempted in this session, we shall, I hope, have many sessions after this, and sessions, I hope, undisturbed by a foreign war, or domestic insurrection. Such a session would be the most proper for our undertaking to new-model our constitution. Corruption is not, I hope, got to such a height, as to be able to defend itself against all the attempts we can make to demolish it. If this were the case, our attempts in this session would be as vain as it can be supposed they will be in any future session; therefore, our resolving to frame bills in this session must be vain, as it may be delayed till some future session, when we may enter into the affair with safety, and without our being in danger of thereby making ourselves a prey to our enemies.

'But suppose, sir, we were resolved, at all adventures, to undertake the framing and passing of some such bills during this session, what occasion is there, what pretence have we for thus bringing the affair by head and shoulders into our address? The people without doors, we see, are so sensible of the danger they are exposed to by means of the rebellion, that they have entirely forgot the danger they think themselves exposed to by means of corruption. We have lately heard of no letters, instructions, or remonstrances from any county or corporation in the kingdom to its representatives, in favour of any bill against corruption. They are so wise as to think of nothing, at present, but subscriptions and associations, for defending their sovereign and themselves against those who have wickedly and traitorously conspired to rob him of his crown, and them of their liberties, properties, and religion. Do gentlemen intend to give a turn to the spirit of the people, and to set them a contending against secret corruption, that their liberties may the more easily become a prey to open force? Sir, if I were not well acquainted with the hon. gentlemen, who made and seconded this motion, I should really suspect their having some such design; and however much I may from my personal knowledge be convinced that they have no such design, they may depend upon it, that if they do not withdraw their motion, the suspicion will be strong against them, amongst all those who are not intimately acquainted with them.

Such a suspicion, I cannot think, sir, any gentleman would choose to labour under; therefore, I hope, they will withdraw their motion. I hope, that for their own sakes, and for the sake of their king and country, they will not insist upon its appearing in our votes. If they do, the whole world will say, they have contributed, as much as they safely could, towards rendering the rebellion successful. The hon. gentlemen may already plainly perceive, that a negative will be put upon their motion. Why then should they insist upon the question? If they do, it will be impossible to suggest

any reason for it, but that of their resolving to have such a popular question appear with a negative upon it in our votes, in order to raise discontents among the people and to make them turn against our present happy establishment, that money and those arms, they are now wisely and generously providing for its defence.

GEORGE LYTTLETON, Esq.

I must confess that the following Speech on abolishing certain feudal jurisdictions in Scotland is one of the most elegant and ingenious in this collection.

Mr. Speaker,

If it could ever be probable that any bill of great moment, especially one in which not only the national interest, but many particular interests are also concerned, should pass through the house without debate, this, I should have thought, would have done so, because none has ever been more universally called for by the voice of the nation; none has ever undergone a longer and deeper consideration before it came into the house, or been considered by abler men, or with a more attentive, impartial and candid regard to any material objections. However, sir, notwithstanding these favourable circumstances, I did expect that in the committee some difference of opinion would happen about particular clauses; and I rather wished that there might, because an affair of so very serious a nature cannot be too carefully and strictly examined, and because, if there are really any faults in the bill, I most sincerely desire that they may be amended. But I did not expect, I am extremely surprised that it should be opposed *upon the principle*, that it should be opposed *as a breach of the union*; and my concern is equal to my surprise. Next to the breaking of the union, I hardly know a worse misfortune that can befal the whole united kingdom, than to have it sug-

gested in parliament that it is broken, and to have that suggestion prevail in the minds of the people of Scotland. It is a suggestion in which the enemies of Scotland and England will find their account—the friends cannot; and as I think it is groundless, I do most heartily grieve that it has ever received any countenance here; God be thanked, they who are at the head of the law in Scotland have other notions.

In the return made by the court of session to the house of lords concerning the heretable jurisdictions, this is the manner in which they have expressed their judgment on that point.

"These jurisdictions, by the treaty of union, are secured to the proprietors as rights of property, and therefore cannot, without due satisfaction made to the owners, to be taken from them."—If therefore due satisfaction be made to the owners, it is the opinion of the lords of the session, that these jurisdictions may be taken away without any infringement of the treaty of union; and that is the principle upon which this bill entirely proceeds. No jurisdictions are taken away by it without due satisfaction made to the owners; where then is the wrong, where is the violation of the *pacta conventa* between the two nations?

Sir, I have considered the treaty of union with all the attention and care I possibly could, startled by the objections that have been made by some persons for whose judgment I have the highest regard and respect; but I protest, that after the strictest examination, there does not remain in my mind the smallest apprehension or shadow of doubt, that it can in the least be infringed by our passing this bill. The 18th and 20th articles are all that relate to the matter now before you. By the 18th a distinction is made between the laws that concern public right, policy, and civil government, and those that concern private right; the first are declared to be alterable by parliament, the latter not, except it be for the evident utility of the subjects within Scotland.

Now, sir, not to insist on any difference between right of property and private rights; but allowing that this article extends alike to the securing of both from being altered by parliament, yet still the exception contained in the same article, that it may be done for the evident utility of the subjects in Scotland, is fully sufficient to vindicate this alteration from being any infringement of the treaty of union; nor can any distinction be made between this sort of property and any other existing in Scotland.

But that the public is more affected by this than by any other, as to the 20th article, the intention and purport of it appears to me to be evidently this—that whereas these jurisdictions and superiorities are of a mixed nature, and might well be supposed to concern policy and civil government, and to be alterable by parliament, even without compensation made to the owners; they were declared, by this article, to be rights of property, in order to put them on the same foot with other private rights, and to secure an equivalent to the proprietors, in case they should afterwards be taken away by the wisdom of parliament. A case that was easy to be foreseen, because the inconvenience and evil arising from these jurisdictions had been pointed out more than once by the parliament, before the union, and because till this has been done, I will venture to affirm the scheme of the union, in all the beneficial purposes of it, will not be fully completed. In the very words of this article, a power of making this alteration is clearly implied. The heretable jurisdictions and superiorities are there reserved to the owners thereof as rights of property—but in what manner? why, in the same manner as they were then enjoyed by the laws of Scotland. Now, sir, by the laws of Scotland, could not the Scotch parliament, before the union, have altered this property, as well as all other property, upon due compensation made to the owners, for the good of the public? They certainly could; therefore they are declared to be now held

and enjoyed, subject to the same power of alteration by parliament. If the treaty of union had established a property that could not be subject to the power of such alteration, upon such grounds, it must, at the same time, have established a maxim fundamentally contrary to the first principle of all civil society, and entirely destructive to it, this most preposterous maxim—that the good of the public ought to give way to private advantage; but such an absurdity cannot be charged upon the wise legislatures of England and Scotland. Indeed, sir, in no state upon the face of the earth, ever was there a property, or ever can there be any, which may not occasionally be altered or taken away, if proper amends be made to the proprietors, for the good of the whole. Even the property of our kings has not been exempt from this general rule of law; the wardship of those who held immediately of the crown, that is, of all the nobility and gentry of England, was a property fixed in our kings; even from the time of William the Conqueror it was an hereditary right of the crown; and yet, for the good of the whole, because it was thought to be hurtful to the public, the parliament took it away, granting at the same time an equivalent to the crown. Did any man ever suppose, that this act was an injustice, or any breach of the compact between the king and the people;—a compact as inviolable as the *pacta conventa* of the union itself? Was it ever considered, I say, as a violation of that, or as any affront to the royal dignity? No, it was never so thought of by the most zealous assertor of the rights of the crown. What then! is the property of the barons of Scotland of a more sacred nature, or is their honour more tender, than that of the king?

Give me leave to observe to you, that this ancient right of wardship was taken away in the first year of the restoration of king Charles the Second, before he had made any ill use of those powers; but as the powers themselves were judged to be naturally hurtful, it was not considered in whose hands they were lodged, nor

what use was made of them at that particular time. The wisdom of parliament looked to futurity, and thought it expedient to buy off, and to abrogate this undoubted hereditary right of the crown; not from any complaint of a present abuse of it, but because it had been abused in former times, and might be again.

Sir, it is said these jurisdictions were not any cause of the late rebellion in Scotland, for that the proprietors of them were all firm and loyal on the side of the government; the fact, I believe, may be controverted; but I will not dispute it, because if it be not universally true, it is certainly true with regard to the far greater number; the far greater number of them were firmly and zealously attached to the government, and I think they deserve the highest returns of favour, honour, and gratitude, from their king and their country. No man can detest more than I do the false and scandalous libels breathed from the malignant spirit of jacobitism, under the mask of zeal for the government, which have imputed to them, or to the Scotch nation in general, any disloyalty or disaffection. Certain I am, that nothing can be further from the true meaning and interest of this bill, than to throw any blame on their conduct: it is a bill for prevention, not of punishment; a bill of general policy, that does not aim at particulars, but considers the whole; considers past times, and future, as well as the present. Sir, if I am rightly informed, in the year 1715, all these jurisdictions were not on the side of the government; the weight of many of them, at that time, was felt very dangerously on the side of the rebellion; I admit, that in general it was otherwise now.

But to argue from thence against the principle of this bill, would be to reason, I must say, upon very short views. If there are, in the nature of those jurisdictions, any powers inconsistent with the good order of government, or with that true and sound policy which carries the majesty and justice of the crown into every part of

the state, and presents to the eyes of the subject no other object for his obedience, no other executive power, no other fountain of justice, except the king; if there is any thing in these regularities, superiorities, and jurisdictions, or in the authority usurped and exercised in imitation of these, by the chief of the clans, which in any degree interposes itself between the crown and the people, between the head of the commonwealth and the members, however the influence of such irregular powers may have been used on a late occasion, there is, in the powers themselves, a root of danger, which it becomes the prudence and foresight of a wise legislature not to allow to continue any longer: sir, it should be plucked up, not with a rough and violent, but with a firm and a determined hand. Of this I am sure, that it is more for the honour of government, more for the welfare and safety of the people, to see effects in their causes, and to destroy the seeds of future commotions, than to wait till they come to that fatal maturity, which, at the same time that it renders the evil more apparent, may disable the legislature from effecting the cure.

I remember a fine panegyric made by my lord Bacon, on the laws of Henry IV. "His laws," says this wise historian, "were deep, and not vulgar; not made upon the spur of particular occasion for the present, but out of providence for the future, to make the estate of his people more and more happy." All these admirable words may, with great justice and truth, be applied to the bill now under your consideration. It was the policy of king Henry IV. to break the power of the barons, and to deliver the people from the yoke of that power as much as he could; and to the consequential effects of that policy, rightly pursued by some of his successors, upon the foundations he had laid, is owing the commerce, the wealth, and the liberty that the nation enjoys to this day.

Sir, I have heard in this debate, with no little surprise, an imagination thrown out by some gentlemen,

zealous for liberty, as if the purchasing of these jurisdictions and superiorities out of the hands of the present possessors, and restoring them to the crown, would be very detrimental to public freedom.

Sir, I have read a good deal upon the nature of government, and from the result of that application, I believe, I may venture to lay it down as a maxim, that in every kingdom, where great powers (especially if judicature) are lodged in the hands of particular subjects independently of the crown, it is for the good of the people that they should be taken out of those hands and lodged in the crown. The contest, in that case, is not, as the gentlemen seem to apprehend, between the crown on one side, and the people on the other, but between the crown and the people united together in one common cause, against the interest of those, in whom powers of that nature are rested; which is an interest distinct from both, and hurtful to both. In other words, Mr. Speaker, it is not a dispute between liberty and prerogative, but between oppression and government. This is so true, that in no one of the several Gothic constitutions established in Europe, did the people ever attain to any considerable share of wealth, or freedom, till they had been emancipated from such jurisdictions, and till all the other powers of the great feudal lords, those petty tyrants, too potent for subjects, too weak for sovereigns, strong enough to oppress, but unable to protect, were entirely absorbed in the more beneficial and salutary power of the crown. Indeed, sir, in every limited monarchy that is on the principles of a free government, which has a king at the head of it, the power of the crown, when acting within its due bounds, properly restrained and confined by law, and by parliament, is the authority of the whole commonwealth.

It is not an interest set up in the king against that of his people: no, the power of the crown is only a name for the executive part of the government; it is the vigour and energy of the whole state, that acts for the benefit

of all its members: though, in the language of the law, the exertion of it is called, the act of the crown; this is particularly true in matters of judicature, and the administration of justice; the exercising of these is a power which it is so much the interest of the whole commonwealth to place in the crown, that when a king divests himself of it, or gives up any part of it, he so far withdraws the protection he owes to his subjects, and loosens the bond of their fealty and allegiance. Will you not hear my cause, (said a suitor for justice to Philip of Macedon,) then be no longer my king. Philip admitted the force of his reasoning, and confirmed him still a subject by hearing his cause. If he had referred him to a great lord, to an hereditary judge, the man would have taken that lord, that judge, for his king. It is in the dispensing of justice, in the protecting of right, and redressing of wrongs, that the royal authority best appears to the subject. This view of it excites his veneration and love; but when any part of the people do not see their sovereign in this amiable character, they are too apt to forget him, and turn their eyes and affections another way. On these principles the wisdom of our constitution has made all jurisdiction immediately flow from the crown; extend that wisdom to Scotland, let none be exercised in the most distant corner of these regal dominions, where insurmountable difficulties do not prevent an alteration, otherwise than in the name of the king, and by virtue of his commission.

This is an eternal maxim of policy; it is not now taken up from any sudden heat or resentment, but upon cool and mature deliberation; let it not be laid down, because of any sudden heat or resentment arising against it without a reasonable cause; such resentment cannot be lasting, time and experience will certainly overcome it; but the great benefits that will be derived from this bill, if it shall pass into a law, the good influence it will have over the whole British state, will last, I hope, to the latest posterity. Can there be a better or happier

fruit of the union than an active communication of the generous, free, and noble plan of the law of England, in the room of those servile tenures and barbarous customs which, in Scotland, deform the system of government, and by the effects which they have over that part of the people, which being least civilized, is consequently more prone to disorder, disturb the peace, and endanger the safety of the whole constitution? When this is accomplished, when these thorns are once rooted up, the way will be open to many other improvements, to the introduction of arts, of manufactures, of industry, of all the virtues and sweets of civil life, in the wildest parts of that country; but all these blessings must be the gifts of good government. Before you can hope to make those people good subjects, or in any manner useful, you must first shew them more evidently whose subjects they are. Before they can be mended by the instructions of government, they must be protected by its power, and relieved by its care. Authority and justice must take the lead in this great work of reformation: discipline, peace, and civility will follow after.

I hope it will not be necessary to say any thing more, in order to shew what this bill is not, that it is not a breach of the union, that it is not an infliction of penalties on the innocent and well-deserving; but allow me only to sum up, in a very few words, what I conceive that it is. It is a bill to secure and perfect the union, to carry the justice of the king into every part of the united kingdom, and, together with that royal justice, a more settled peace, a more regular order, a surer protection, a closer and stronger bond of allegiance; to put an end to all those dependencies that combine men together, not as subjects of the same king, or fellow-citizens of the same state, but as followers of particular lords, and which create an awe and an influence alike incompatible with liberty or with government. This will be done by this bill; and when you do this, you do at the same time, by a necessary consequence, strengthen the whole consti-

tution, strengthen the crown on his majesty's head, strengthen the establishment in his royal family, and make the cause of the pretender more desperate; for this is most certain, that all irregularities and disorders in the state, all divisions from the rule of true policy, and from the true genius of the English constitution, naturally tend to a change of government, and will, sooner or later, if they are not prevented by a wise and timely precaution, produce or assist such a change. These are the objects of a bill against which such unfortunate and unreasonable prejudices have been conceived. I cannot better commend the policy of it than in some words of a great lawyer, and a great statesman, Sir John Davis, in his book upon the state of the kingdom of Ireland, an excellent work, which has been lately reprinted—the words are these, "There can never be concord or unity in any one kingdom but where there is but one king, and one allegiance."

THE HON. HORATIO WALPOLE.

His Speech on Parliamentary Enquiries.

Mr. Speaker,

As all the parliamentary enquiries into the conduct of ministers, which I ever heard or read of, have either produced no effect, or a very bad one, I have been, and I believe I shall always be, against our giving ourselves any such trouble; and, I am sure, I shall never be for our enquiring into the conduct of any public transaction, because it is not applauded by the voice of common fame; a voice which never was favourable to ministers, till after they were in their graves; and then, indeed, they may meet with that justice which they never could expect while they were alive. I know, sir, it has been often

urged in this house, that common fame is a foundation sufficient for an enquiry: but this is a doctrine which I never could subscribe to; because, if it were allowed in its full extent, we could never be a session without an enquiry; for I never heard of a minister who was not, every year of his administration, accused by common fame of having done something amiss. I must therefore be of opinion, that a parliamentary enquiry ought to have something more solid than common fame to rest on. But whether this be a right opinion or no is a question that can have nothing to do in the present debate; for the late treaty of peace is not so much as accused by common fame. By every one who considers the circumstances to which both we and our allies were reduced, it is allowed to be a better treaty than could be expected: and as the decree of a judge is generally supposed to be just, when neither of the contending parties is pleased with it, so the late treaty has this in its favour, that it is more exclaimed against in France than it is in England.

An enquiry into the conduct of our ministers, with regard to the late treaty of peace, cannot therefore, sir, be said to have even common fame for a foundation; and if we have no foundation for enquiring into that treaty; we can have no foundation for enquiring into any transaction previous to it; for surely we ought not to inflame the nation, and expose our own characters and the dignity of this assembly, by setting on foot an enquiry into an affair which is not condemned by common fame, unless we had proofs of some wicked design or egregious misconduct. I say, sir, expose our own characters and the dignity of the assembly, because when a parliamentary enquiry is set on foot, the people always conclude, that something wicked or very weak has been done, and they justly expect to see the authors punished, or at least removed from our national councils. If they are disappointed in this expectation, they always suppose, that many of us have been bribed to screen the guilty, and

conceive a very unfavourable opinion of this august assembly. This is a most dangerous consequence, and might prove fatal to the constitution of our government; and yet, this must always be the consequence of our enquiring into any transaction, which can neither be accused of weakness or wickedness; for unless something of this kind does appear, no parliamentary punishment can ensue.

But supposing, sir, that there has been some little neglect or imprudence in the management of any public affair, and that the managers not only deserve, but would probably, upon an enquiry, meet with a parliamentary punishment or censure; yet the dangers to which the nation is exposed by every such enquiry, do a great deal more than over-balance the advantages that can be expected from it. The noble lord was pleased to say, that as such an enquiry is always carried on by a secret committee, there could be no danger of any secrets being thereby discovered, that might any way prejudice the honour of the crown, or the interest of the nation; but in this I must differ from his lordship; for I shall always look upon it as a certain maxim, that the more persons a secret is committed to, the greater is the danger of its being discovered. Besides, our privy-counsellors are always sworn to secrecy, which will always be a bar to their discovering any of the secrets of government, as the noble lord himself was pleased to observe; for, surely no man will wantonly tell a secret, when he knows that the person he tells it to, must look upon him as a perjured knave: but I never heard that the members, even of our secret committees, take any oath of secrecy; therefore, we have reason to be afraid of their discovering secrets out of mere wantonness; especially, when we consider how fond men are to shew that they know more than the rest of mankind.

The noble lord was pleased to advance another doctrine, sir, in which I cannot agree with him: he was pleased to say, that a wise and upright minister can be

put to no great trouble by an enquiry into his conduct; but I must beg his lordship's pardon. If an innocent man were to be tried for murder, can any one think, that it would give him no concern, or that the preparing for, and making his defence, would take up no part of his time? The most prudent and most innocent man may be brought to suffer by false witnessess, or by misapprehending the evidence, either for him or against him; therefore, he must give close attention during the whole time of the trial, to prevent or expose falsehood, and to have the evidence on both sides clearly and rightly understood. This is the very case of a minister, whose conduct is enquired into by parliament; his character, perhaps his life, is at stake; and, therefore, during the whole course of the enquiry, let it be of never so long continuance, he must give the closet attention to its proceedings; he must take care to prevent or expose any false witnesses against him; he must take care to have proper witnesses, and proper vouchers for his defence; and he must take care to have the whole evidence, on both sides, distinctly and rightly understood. Can a minister, in such circumstances, have time to mind the public business of the nation? Ought we to bring any one of our sovereign's ministers into such circumstances, without any previous proofs of strong presumptions of his being guilty? Even then we ought not, unless some very great national advantage may be expected from the result of the enquiry.

These, sir, are inconveniencies and dangers which should make us, at all times, extremely cautious of entering upon any enquiry into the conduct of our ministers; but the greatest and most dangerous inconvenience I have not yet mentioned; that is, the discredit it brings upon our administration at all foreign courts. It is like a gentleman's having a suit brought against him for his whole estate: let the suit be never so groundless, no man will give him credit till it be determined; and in the mean time he may lose an opportunity of making great improvements. The case may be the same

with this nation. As my worthy friend upon the floor has already hinted, we have still several articles to settle both with France and Spain, relating to our commerce and plantations. Could our ministers expect any success in the negotiations for this purpose, should they be brought under, what I may call a parliamentary prosecution? And as both France and Spain feel as yet the smart of the wounds they received from our navy, if those points are not settled whilst that smart remains, we may afterwards find it very difficult, if not impossible, ever to procure any settlement, without a new war. Both these kingdoms have reason to dread the power of this nation, whilst we are cordially united amongst ourselves: France owes its being to our divisions under Henry VI. and its present grandeur to our divisions under Charles I. and Spain owes its present low condition to our cordial union under queen Elizabeth and queen Anne. As parliamentary enquiries have always fomented divisions in this country, if any such thing should be now set on foot, they will expect the same consequence, and will haughtily reject the most reasonable proposals our ministers can make.

The present is therefore, sir, the most improper time we can choose for enquiring into any late transaction, were there really a good ground for such an enquiry: but when there is not the least ground; when our ministers are not so much as accused by common fame of having pursued any wicked or weak measures; when they have brought our enemies to yield up by a peace all the conquests they had made during the course of a successful war, an enquiry would not only be groundless, but madness; for as to the insinuations thrown out, as if our success in the war had been defeated by the rivalship of two contending ministers, or as if any thing had been neglected in the treaty of peace, on purpose to shew the people of this nation, that they must not expect any redress by entering into a war against the good liking of some gentlemen; they do not require any an-

swer, because I know of no rivalship that has lately been between ministers, nor do I know of any gentlemen that were ever against entering into the war; and after we had entered into the war, it is evident from facts, and confirmed by the large debt we have contracted, that we did all we could to obtain success. It is manifest, that we did not spare our money, and our enemies themselves confess, that our troops did not spare their blood. If our allies did not likewise exert their utmost strength, or if their troops did not at all times appear so forward to spill their blood in their country's cause, are our ministers to blame? Or, can this be a reason for our enquiring into the conduct of our ministers?

But it seems to be some people's way of thinking, sir, that every misfortune ought to be charged to the account of our ministers: though in this country, ministers have less power than in any other, yet we seem to think, they have more power than was ever granted by God Almighty to any human creature. If an expedition be disappointed by contrary winds or tempests, our ministers are charged with the disappointment, as if they had command of wind and weather. If an enterprize fails by the neglect or incapacity of the officers employed, our complaints presently run high against our ministers, though every one knows, that by the nature of our constitution, our ministers are often obliged to employ officers, on whose care or capacity they have little dependence. In short, some people amongst us seem to treat our ministers as the Turkish Janizaries do their commanders. If they have good success, their commander is a wise and great general, let his success be never so accidental, his blunders never so conspicuous: whereas, if they meet with bad success, the whole blame is laid upon the commander, though often owing to their own cowardice or sedition. But in one respect there is a wide difference; for in this way of judging, the Turkish Janizaries are constant and uniform; whereas, in this country, let a man who but yesterday loaded the

ministers with every misfortune, and imputed every success to mere chance; I say, let such a man have to-day place in the administration, and he becomes the very reverse of a Turkish Janizary: every success is then owing to the wisdom of the minister, and every misfortune he ascribes to some fatal accident beyond the reach of human foresight.

This, sir, is an observation I have long since made: it has been confirmed by many experiments; and if a new experiment were now to be made, I believe I should see the truth of it established. But thank God! his majesty has a much juster way of judging; he does not judge of a minister from the event, but from the whole tenor of his conduct; and whatever the necessity of the times might oblige king William to do, as his present majesty neither is, nor ever was, under any such necessity, we must suppose that his majesty would not only have discovered, but disgraced any minister that had sacrificed his glory, or the good of his subjects, to any private passion or resentment; which with me, is of itself alone a sufficient argument for concluding, that nothing weak or wicked has been transacted, either in the prosecution of the war, or the negotiations for a peace; and, therefore, I am against our agreeing to this motion.

JOHN MORTON, ESQ.

His Speech on the Mutiny Bill.

Mr. Speaker,

THE amendment made by the committee to the oath now under our consideration, was an amendment, which, so far as it went, I highly approved of; and I was glad to find my opinion supported by some gentlemen, whose

concurrence I shall always be proud of; but even then I did not think the amendment extensive enough. However, I resolved not to propose any further extension of it at that time, because I was apprehensive lest it might have defeated what I then aimed at, and because I knew, that a further amendment might be proposed upon the report from that committee. I shall therefore now beg leave to observe the impropriety of our giving a greater power to the courts below, than we give to, or reserve for the high court of parliament. By the oath, as it now stands, any member of a court-martial may be obliged by any of the courts in Westminster-hall, to disclose or discover the vote or opinion of every particular member of the court-martial, when it becomes necessary to have a proof thereof in any trial before them. But if a question should arise in this or the other house of parliament, relating to the proceedings, or the sentence of a court-martial, no member thereof could be desired, much less required, to disclose or discover the vote or opinion of any particular member of that court-martial: for, surely, we could not desire a gentleman to make such discovery, when he is bound by his oath not to do so, unless we should assume to ourselves a dispensing power, which, I hope, no parliament, nor any court or magistrate in Great-Britain, ever will.

I confess, sir, I was always, and still am, against the whole of this oath of secrecy. It is an innovation lately brought into our military law; and it is an innovation which is inconsistent with the whole tenor of our laws, and the very spirit of our constitution. With us the courts of justice have always been open, and the judges thereof have delivered their opinions, and passed sentence or judgment in the face of the world. This will always have a good effect in favour of justice; for let men be never so corrupt, let them be never so abandoned, they will always have some regard for their safety, if not for their reputation; and will be cautious of letting the people know, that they have been the tools of oppression,

and the dispensers of manifest injustice. But if we once begin to have sentence passed in secret, and under an oath of secrecy, we shall soon begin to have the whole trial carried on in the same manner; and this smells so strong in the court of Inquisition, and of those terrible recluse courts which are in arbitrary governments the instruments of tyranny, that it must give a just alarm to every gentleman who has a regard for our constitution, or the happiness of posterity.

One of the arguments made use of, sir, for this oath of secrecy, is so far from being an argument in its favour, that it is an unanswerable argument for our returning to the regulation of 1713, by which it was provided, that no punishment to be inflicted by the sentence of a court-martial, should extend to life or limb; and, with respect to commission officers, I think, the restraint should be carried even to that of corporeal punishment; for that of breaking, suspending, or fining a commission officer, is, I think, the highest punishment we ought to allow a court-martial in time of peace to inflict; and in time of war we have no occasion for a mutiny-bill, because his majesty's prerogative then takes place, by which he may not only appoint courts-martial, but may furnish them with such powers as he thinks necessary.

When I thus talk of the argument brought in favour of this oath, I believe every gentleman will suppose, I mean that by which it is said, that as officers depend for their preferment, as well as for their continuance in commission, upon the arbitrary will of the crown, or rather of the prime minister, or general for the time being, they may, when upon a court-martial, be determined by the influence of that minister, or general, to acquit or condemn and punish, not according to justice, but according to his will and pleasure. This they allow to be a danger that ought not to be apprehended, and this danger they pretend to obviate, by obliging every officer, upon oath, not to disclose the vote or opinion of any particular member of the court-martial.

In the first part of this argument, sir, I most heartily agree with those gentlemen: we know how liable our common law judges were to ministerial influence, when their commissions depended upon ministerial pleasure; and, therefore, I shall most readily allow, that the danger suggested by those gentlemen, is far from being imaginary, but I cannot agree in the last part of their argument; for I cannot suppose, that this danger will be in the least obviated by the oath of secrecy proposed. We know how little an oath is regarded by mankind, when it happens to be inconsistent with their interest, and when they may break it not only with impunity, but advantage. No officer will, therefore, notwithstanding this oath, suppose that this way of voting at a court-martial can be hid from the crown, or the general, or minister for the time being; consequently, the members of a court-martial will still continue to be under the same influence they are now. Nay, I think, they will be more so; because, as their way of voting will by this oath be kept hid from the world, they will with the more freedom abandon themselves to that influence, and ministers or generals will with the less restraint make use of it. At present, or at least before this oath was introduced, a man's way of voting at a court-martial was publicly known; and if one voted against what was supposed to be the inclination of the minister, or general, and was afterwards dismissed the service, or disappointed in his preferment, the world of course supposed, that it was on account of his having voted according to conscience, which was an imputation that a wise minister, or general, would choose to avoid; but no minister, or general, can now be in danger of any such imputation, and, therefore, they will with the more freedom dismiss or disappoint any officer who dares to vote at a court-martial contrary to their direction.

This argument is, therfore, sir, what may be called *argumentum ad hominem*, for restraining courts-martial, in time of peace, from inflicting any punishment

extending to life or limb, but can be no argument for the oath of secrecy proposed; and the other argument, that it will prevent officers being exposed to the resentment of one another, for their way of voting at a court-martial, is equally frivolous: Nay, I think it is worse; for it carries with it imputation, both upon the officers of our army, and upon our laws. Can we suppose, that any officer of our army would be afraid of doing justice, lest he should thereby incur the displeasure of another officer? Can we suppose, that our laws would permit any officer to shew the least sign of such a resentment with impunity? This is, therefore, forming to ourselves an imaginary evil, and making use of that as an argument for introducing a real evil, and an evil which will be a precedent for introducing the worst of all evils, which is that of a secret and arbitrary tribunal: for does not every gentleman see, that both this and the former argument are equally strong for keeping secret the whole proceedings of a court-martial? And having once established such a secret military tribunal, it will be a precedent for establishing such secret tribunals in all trials at common law. May it not be said, that our common law judges will be the less liable to influence, the more secret their proceedings are kept? Do not we know, that our common law judges are liable to resentment, and some have actually suffered for the decrees they have made, or the judgments they have pronounced? But such arguments will never, I hope, prevail with us to establish an inquisitorial method of proceeding in any of our courts at common-law.

But, sir, as I am not to oppose this oath of secrecy in general, I should not have taken up your time with saying so much against it, If I had not thought it necessary for inducing gentlemen the more readily to agree to the amendment I am to propose: for if there be no evident necessity for the oath itself, there is the less danger in any exception that may be thought proper to be made to it. The committee have already introduced one ex-

ception, with regard to courts of justice; and as we seem inclined to agree to that exception, it will look extremely odd, if we do not now introduce another, with regard to the two houses of parliament. Is it impossible to suppose, that a court-martial may behave so as to deserve to have their proceedings enquired into, and punished by parliament? Suppose, then, that a court-martial should make itself an instrument of oppression in the hands of an arbitrary, cruel, and tyrannical general; and should by his direction proceed, in an arbitrary manner, to pass a most unjust sentence. Suppose such a court-martial should condemn a colonel to be shot for mutiny, because he did not march at the head of his regiment, according to his general's orders, to prevent our assembling in this house: would not such a court-martial deserve to have their conduct enquired into and punished by parliament? But how should we enquire? whom could we punish? We might, perhaps, obtain a proof of the sentence; but we could have no proof as to those that agreed, or disagreed to it; therefore, we must either condemn or acquit by the lump; and though this sort of lumping justice was once practised by parliament, I hope the precedent will never again be followed; at least, I hope that we shall never, by a law of our own, make it necessary for us to follow it.

Suppose again, sir, that a court-martial should by their sentence be guilty of a breach of privilege; against whom could the member complain who had suffered by that breach? He must complain against every constituent member of that court-martial; and supposing we should think it such a heinous breach of privilege, as to deserve a punishment signally severe, we must inflict that punishment upon every one, even though twelve of the five-and-twenty constituent members of that court-martial had voted against the sentence, and, consequently were innocent of the crime: for by the oath as it now stands, we shall render it impossible for the innocent to make their innocence appear. Can a British parliament

agree to any law, which thus confounds the innocent with the guilty, and renders it impossible to punish the latter, without involving the former in the same sort of punishment? The injustice of this is so manifest, that I am persuaded, even those who think this oath of secrecy necessary, will be glad of any expedient for extricating them out of this difficulty; and, therefore, I shall conclude with moving, That after the words, 'by due course of law,' the words, or 'by either house of parliament,' may be added, by way of amendment.

HENRY FOX, ESQ.

(Afterwards Lord Holland,)

Was the father of the late celebrated C. J. Fox. Perhaps the reader may be able to trace some resemblance in their manner of speaking; the same close consecutive mode of reasoning, and the same disposition to *go round* his subject, and view it in its various aspects and bearings.

His Speech in Reply.

Mr. Speaker,

I WAS one of those that were against the amendment made by the committee, and I was against it, because I thought it quite unnecessary: for I shall always be against making an unnecessary amendment to any bill brought into this house. I then thought it unnecessary, and I still think it so; because I cannot suggest to myself a case wherein it may become necessary for an inferior court of justice to enquire who voted for or against any sentence of a court-martial; and if the parliament should ever think it incumbent upon them to enquire into the proceedings of a court-martial, it would be easy to bring in and pass a short bill, for enabling the officers to disclose the opinions of the several members of that court-martial, in pursuance of the exception contained in the oath, as it stood when first brought in. This I say, sir, was, this is still my opinion; but I shall always readily

submit when I find the majority of this house to be of a contrary opinion; and for this reason I shall now oppose our agreeing to the amendment made by the committee; but I cannot agree to any further amendment, because I foresee that it would occasion such a number of others, as would render the oath quite insignificant; which may, perhaps, be the design of those who are against the oath in general; but I must beg leave to differ from them in opinion: for I think the oath as it now stands, can be attended with no bad consequence, and will certainly prevent several mischiefs.

As to the danger suggested, sir, that this oath of secrecy may be made a precedent for introducing the same sort of regulation with regard to our courts of common law, I must think it altogether chimerical: for the nature of the military law is so very different from that of the common law, and the methods of proceeding in courts-martial are necessarily so very different from those in our courts at common law, that no regulation in the one can ever be made a precedent for any regulation in the other. And as this is the only danger I have ever heard suggested, I think we have no bad consequence to apprehend from establishing this oath of secrecy, with respect to the vote or opinion of the several members of a court-martial; nor is this without precedent even in the proceedings of both houses of parliament: for the members of both are bound not to disclose what passes in the house; and though, when we hear counsel upon any case, or any point in dispute, we throw our doors in a manner open, yet every one knows, that in both houses, the doors are shut, and every stranger regularly excluded, when we come to argue and determine the case or point among ourselves.

Now, sir, with regard to the mischiefs that may be in a great measure avoided by the oath of secrecy proposed, I must first observe, that in human affairs it is impossible to avoid every inconvenience, every evil: all that human wisdom can do, is to choose the least evil, and not to expose

ourselves to a great inconvenience for the sake of preventing a small one. After having premised this, I shall without hesitation agree, that the judges of every court ought to be made as independent as possible. With regard to our common law judges, we have, since the happy revolution, effected this as much, I believe, as the nature of things will admit. But with regard to the judges upon a court-martial, it is impossible, it would be absolutely inconsistent with the very nature of military service, to render them independent of the commander in chief; therefore we have reason to apprehend, that the vote or opinion of gentlemen in a court-martial may be directed by the influence of the commander in chief, when he resolves to make use of his influence for that person. How is this to be prevented? No way I can think of, but by preventing its being known how every particular member voted; and I wish any gentleman could suggest a more effectual method than that of an oath of secrecy.

I am not at all surprised, sir, that gentlemen conversant in the law should be of opinion, that mankind in general are regardless of an oath. The suggestion is too true, I believe, in all trials at common law, and all disputes about private property; but it is not so with the officers of the army. They must have a little more regard to their character for honour, as well as courage, than is necessary in common life; and when the character of an informer is tacked to perjury, they must have a very great regard to the oath they have taken. This will be the case with regard to the oath now under consideration: if any officer should, notwithstanding his oath, disclose to the commander in chief, the vote or opinion of any other officer upon a court-martial, he would be looked on not only as a perjured wretch, but also as an informer; no gentleman would then keep him company, no officer would roll with him; by which means he must necessarily be driven out of the army. Therefore it is evident, that officers not only may, but will depend upon

their vote or opinion being kept secret from the commander in chief, as well as every one else; and consequently, will not be so much under his influence, with regard to any vote or opinion they may give in a court-martial, as they were before this regulation was introduced.

As to the other mischief proposed to be prevented by this oath, which is that of the heart-burnings and animosities raised among officers when their way of voting at courts-martial is known, the honourable gentleman mistook, or forgot to mention the consequence of these heart-burnings and animosities. It is not, sir, the personal danger to which officers may be thereby exposed, but it is the prejudice it may be of to the service; for when there is not a cordial friendship among the officers employed in the same expedition, or upon the same command, it often occasions a miscarriage or defeat. But even that of the personal danger to which officers are exposed, deserves our consideration, and ought to be prevented as far as possible. The case of officers giving their opinion in a court-martial, and that of a judge delivering his opinion from the bench, is widely different. The latter may never, probably, converse, or be in company with any man he has offended by that opinion: he seldom appears but in a court of justice, or amongst his intimate friends; and, consequently, cannot be much exposed to the resentment of the man he has offended; but an officer may happen the very next day to be in company, perhaps sent upon the same command, with the man against whom he voted at a court-martial; and though such man may not seem to shew any resentment against him on that account, he may pick a quarrel with him upon some other account, and may put an end to his life in a duel, without its being possible even for a court-martial to determine, that the duel proceeded from a secret resentment of what the deceased had done at a court-martial; from whence we see, that it is impossible to prevent the fatal consequences of such heart-burnings and animosities among officers, any other way than by preventing a discovery of

the vote or opinion of any officer upon a court-martial; and for this purpose, the oath now proposed, if it stands as it now does, will, I hope, be effectual.

But now, sir, with regard to the amendment which the hon. gentleman has been pleased to propose, I must think it quite unnecessary, because, in my opinion, it is comprehended in the amendment made by the committee. Is not the high court of parliament a court of justice? Surely, it is the highest court in this kingdom; and, I hope, it will always be a court of justice. Suppose, then, that we should think it necessary to enquire into the conduct of a court-martial, and should be of opinion, that they had been guilty of some high misdemeanor, for which they ought to be punished; our method of proceeding must be by impeachment before the other house; and in that case, is not the other house to be deemed a court of justice? Can we then think, that any officer would be bound by this oath, as it now stands, not to discover the vote or opinion of any member of that court-martial? The case is to me so clear, that I wonder any one should doubt of it; and therefore I was surprised to hear such an amendment proposed by a gentleman, who was not only bred to the law, but has a very extensive knowledge of it.

As to that of a breach of privilege, sir, I do not know how any court-martial can be guilty of it: for as they have nothing to do with property, as they take no cognizance of any thing but crimes, and of no crimes but such as are of a military nature, their jurisdiction can never, I think, interfere with any known privilege of parliament; for I do not know that we ever claimed any privilege with regard to crimes; and therefore any of our common law courts, nay, even a single justice of peace, may commit a member to prison, if he has committed a murder, or been guilty of a riot; and this he may do without the least danger of being deemed guilty of a breach of privilege. For the same reason, if a member of this house be an officer in the army, his general may put him

under arrest, or may order him to be tried by a court-martial, without being guilty of any breach of privilege; for if it were otherwise, I am sure, it would not be proper that any officer in the army should ever be chosen a member of this house, or any member of this house preferred to be an officer in the army.

With regard to a breach of privilege therefore, sir, I think it is hardly possible for one to suggest a case of that kind, where it might become necessary for us to enquire into the vote or opinion of any particular member of a court-martial; and if any such extraordinary case should ever occur, we should then be acting in our judicative capacity, as much as any court of justice is, when it enquires into and punishes a contempt of court; consequently, no officer would by this oath be bound up from disclosing to us the vote or opinion of every member of a court-martial, that had by their sentence committed a breach of the privileges of this house.

G. TOWNSHEND, ESQ.

His speech on the Power of the Commander in Chief to cashier Non-commissioned Officers.

Mr. Speaker,

I BELIEVE, every gentleman will admit, that one of the great ends of our sitting here is, to take care not only of the liberties and properties of the people in general, but of every man, and every set of men, in particular; and there is no set of men in the kingdom whose liberties and properties we ought to be more careful of, than those of our soldiers and sailors, both on account of their distinguished merit, and on account of the danger accruing from their being once brought into a state of slavery; for if this should ever happen, they will probably, and may easily, enable some future ambitious

prince or prime minister to bring the rest of their countrymen into the same condition with themselves. When I talk of the liberty and property of soldiers and sailors, I do not mean that they should be exempted from military law, or a military jurisdiction; for that, I know, is inconsistent with the service: and I likewise know, that whilst courts-martial preserve their integrity, a man's liberty and property is as safe under their jurisdiction, as under the jurisdiction of common law. He knows the laws, he knows the methods by which he is to be tried; and by a careful observance of his duty, he may prevent his being ever in danger of suffering by their sentence. What I mean, sir, is, a man's being subjected to the arbitrary will and pleasure of his commanding officer, and unavoidably exposed to the danger of suffering in his person or property, by the whimsical and unmerited resentment of such officer; for a man in these circumstances may truly be said to be a slave, and very often suffers for what he ought to be rewarded for.

When I talk of the properties of soldiers, gentlemen may perhaps, sir, make themselves merry with what I say; for I shall allow, that very few of them can ever arrive at any property; but I hope it will be granted, that every officer, commissioned or non-commissioned, has some property. His office or rank is his property, as well as the pay which belongs to it; and it is a property which, we are to suppose, he has purchased by his service. I shall admit that this is not always the purchase; for in the army, as well as in other departments, men are sometimes preferred for what they ought to be cashiered; and some, I believe, especially of the non-commissioned officers, are raised, (as one officer wittily said to another, who had a handsome wife) not by the sword but the scabbard. But in general, I hope, we may suppose, that no officer, not even a corporal, obtains his preferment but by the merit of his service; and that I must reckon a much more valuable consideration, at least with regard to the public, than if he had bought it at the

highest price with his money. An officer's rank in the army, let it be what it will, I must therefore look on as his property; and this house ought to take care, that no man should be stript of his property, unless he has been guilty of some very great crime, or some heinous neglect of duty.

But sir, with regard to the staff-officers, I do not know how a custom has prevailed in the army, that they are at the absolute disposal of the colonel of the regiment, and that he may, whenever he pleases, degrade them from the preferment they have thus purchased, and reduce them into the ranks; that is, reduce them again to the state and condition of a common soldier. When this custom was first introduced, I cannot determine; but I think it was never established by any article of war, before the year 1747, when our usual articles of war underwent many and great alterations, most of which were unnecessary, even for the strictest discipline, and could serve no purpose but that of vesting an absolute and despotic power in the chief commander of our army. In that remarkable year, indeed, this power of a colonel's reducing a non-commissioned officer to a private centinel, by his sole and absolute authority, was slipt into our articles of war, and now stands, I think, in the 16th article of the 15th section, relating to the administration of justice, which provides, that no commissioned officer shall be cashiered, or dismissed the service, except by his majesty's order, or by the sentence of a general court-martial, approved by him, or the commander in chief appointed by him; but that non-commissioned officers may be discharged as private soldiers, and may, by the order of the colonel of the regiment, or by the sentence of a regimental court-martial, be reduced to private centinels.

Now, sir, this is really granting to the colonel a more arbitrary and greater power over the staff-officers in his regiment, than his majesty has over the commissioned officers in his army; for though his majesty may cashier

such an officer by his sole authority, he cannot reduce him to a private centinel. If any such officer be cashiered, he is absolutely dismissed the service, and may betake himself to some other employment, or go into foreign service; but if a colonel takes a dislike, however whimsical, however unjust, to any staff-officer in his regiment, he may reduce him to a private centinel, and oblige him to serve, perhaps during the rest of his days, as a common soldier in that very regiment where he once had a command; which is certainly a more severe punishment than that of discharging him from the service. And though a serjeant or corporal of foot be commonly reckoned but a mean employment, I must observe, that a quarter-master of dragoons is but a staff-officer; and yet it is a post that I have known sold for 400 guineas, and a post that no gentleman, not otherwise provided for, would disdain to accept of.

From hence we may see, sir, what a dependent slavish state all the non-commissioned officers of our army are in: is it proper that any British subject, especially those of our army, should be continued in such a slavish state? is it necessary for the service? If any non-commissioned officer should really be guilty of any crime, any neglect of duty, or any disrespect towards his colonel, can we suppose, that a regimental court-martial would not punish him as severely as he deserved? Why then leave, in the colonel of a regiment, such an absolute and arbitrary power over that property, which men have purchased by their merit in the service of their country? But, sir, it is not only the property of such officers, but their persons, and the person of every soldier in the army, that by custom are in some measure under the arbitrary power of the commanding officer, or at least of the commander in chief of an army. I do not say, that the commander in chief can by custom order a staff-officer or soldier to be put to death, or dismembered, without the sentence of a court-martial; but without any such sentence they have sometimes been very

severely punished; and this is a power which ought not to be trusted, I think, with any man whatsoever, especially as the offender may be immediately confined, and very quickly brought before a court-martial.

What is the end of punishment, sir? Not merely resentment or revenge, I hope: Is it not, ought it not always to be inflicted as an example and a terror, for preventing others from being guilty of the like offence? How can it answer this end, when the offence is not publicly and certainly known? Is not this always the case, when it is inflicted by the sole arbitrary authority of the colonel, or commander in chief? He may publish his reason for punishing, and he may assign a justifiable reason; but mankind generally and rightly embrace the maxim, that every man ought to be presumed innocent till he is proved guilty. The army will therefore reason thus with themselves: if this was the true reason, why was not the man tried by a court-martial? Why was not the fact there proved against him? They will therefore conclude, that the reason assigned was not the true reason; and they will probably suppose a reason not much to the honour of him who ordered the punishment to be inflicted. Thus, sir, a colonel or commanding officer should, for the sake of his own character, as well as for the sake of example, never order any punishment to be inflicted, especially that of reducing a staff-officer to a centinel, but by the sentence of a court-martial.

Let us consider, sir, that the success of our armies, in time of war depends as much upon the bravery of our common soldiers, as upon the bravery and conduct of our officers; and that it is this alone which makes our troops superior to any equal number of those of France: for without being accused of disrespect, I believe I may say, that the French officers are equal to our own both in conduct and courage. For this reason we should take care not to depreciate that which is the chief incitement to bravery in our common men. What is this incitement? An halbert, sir, is almost the only reward, the

highest preferment, that a common soldier can expect. While this continues dependent upon the mere whim of a colonel, can it be such an enticement as it would be, were a man insured for holding it during life, unless justly deprived of it by a fair trial before a court-martial, for some heinous crime or neglect of duty?

Besides, sir, I think, that for the safety of the commissioned officers in our army, this power which the colonel has over the staff-officers of his regiment ought to be abridged. Suppose a colonel should conceive a pique against some captain in his regiment, and should bring him to be tried by a court-martial for some pretended military crime, which might affect his honour, if not his life: the witnesses against him would probably be two or three serjeants or corporals of the same regiment; and when they know that they must either swear against the captain accused, or be reduced to private centinels, and obliged to serve for ever after as common soldiers in the regiment, could such a captain depend upon his innocence? Could he expect that the crime would not be fully proved against him?

This is therefore, sir, a power, which may be of the most dangerous consequence to every officer in our army, below the rank of a colonel; and, if we add to this, the power assumed by the commander in chief, to inflict severe punishments by his sole authority, we must admit, that all the staff-officers and soldiers of our army are in a more slavish subjection than this house ought to endure any innocent British subject to be in. For this reason, sir, I have prepared a clause to be added by way of rider to the bill now before you, for providing, that no non-commissioned officer shall be cashiered or reduced to a private centinel, and that no officer or soldier shall be punished, but by the sentence of a court-martial; therefore I shall conclude with moving for leave to bring it up.

COLONEL CONWAY.

His Speech on the Mutiny Bill.

Mr. Speaker,

I HOPE I have as great a regard to the liberties and properties of the subject as any gentleman in this house; but I think, that the liberties and properties, and even the religion of the people of this kingdom, depend upon our preserving a strict discipline in our army; and therefore I shall always be extremely cautious of introducing any new regulation, or abolishing any old custom relating to our army. The power which the colonel has over the serjeants and corporals of his regiment, I mean the power of creating and reducing them whenever he pleases, is a power coeval with our army; and while we have an army, I think it is necessary that it should subsist. In advancing a common soldier to be a corporal, or a corporal to be a serjeant, the colonel generally takes the advice of the captain in whose company such serjeant or corporal is wanted; and a man's knowledge of the exercise, his diligence in performing his duty, and his bravery, are the qualifications that usually recommend a common soldier to be a corporal, or a corporal a serjeant. But there are likewise other qualifications necessary, and qualifications that cannot be known till a man comes to be tried; therefore both the colonel and captain are often mistaken in their man; and when they find themselves mistaken, it is absolutely necessary for the good of the service, that the colonel should have an unlimited power to reduce him again to a private centinel. Nay, a captain may find that he has got a very incapable or troublesome serjeant or corporal into his company, and yet it may be impossible for him to make his incapacity or troublesomeness

appear by proper proofs, to the satisfaction of a court-martial.

I must likewise observe, sir, that as bravery, activity, and diligence are necessary for recommending a soldier to the rank of a corporal or serjeant, so it is necessary, that after he is advanced to that rank, he should continue to be as brave, active, and diligent as ever he was before; and yet, when he is advanced to the rank of a serjeant, which is, perhaps, the summit of his desires, or at least of his hopes, he may very naturally grow lazy and indolent, or perhaps in a day of battle take more care of his life than is consistent with his duty. For which reason I think it is necessary for the service, that such officers should always remain under the apprehension of being reduced by their colonel, if they are guilty of the least cowardice, negligence, or misbehaviour.

Whatever notions some gentlemen may have of absolute power, sir, it has been thought necessary in all countries for preserving subordination and discipline in an army. In the Roman commonwealth, from its very first original; the generals of their armies had a most absolute and unlimited power over every officer and soldier in the army. They could not only prefer and reduce, but punish even with death itself, by their sole authority, and without the sentence of any court-martial. The story of Manlius, who put his own son to death for fighting the enemy against his orders, is so well known, that I need not put gentlemen in mind of it. Not only particular men, but whole armies, were among the Romans subject to be punished by the sole and absolute power of their general; for we read that Appius, in the very infancy of that commonwealth, caused every tenth man in his army to be whipped, for flying from the enemy; besides punishing, some of the officers with death. And, I believe, there is now no country in the world, where their armies enjoy so much freedom, or so much security against being oppressed by their commanders, as both the officers and soldiers of our British army enjoy.

But in this, sir, as in most other things, there is an extreme, there is a *ne plus ultra;* for if you extend this freedom and security too far, you will destroy all discipline and subordination in your army; and I am afraid, that what is now proposed will be running into that extreme, without so much as a pretended necessity: for though this power of reducing staff-officers to private centinels has been enjoyed by every colonel in our army time out of mind, yet there has never been so much as one complaint of its having been made a bad use of, or applied to any wicked purpose; and indeed, if it ever be exercised, it is always at the desire of the captain of the company to which the serjeant or corporal belongs, and after an examination into the complaints against him; so that the colonel really acts as judge in the affair, and is as good and as impartial a judge as any regimental court-martial can be supposed to be.

As this has always been the practice in our army, sir, I must presume, that the hopes of an halbert will be as great an incitement for common soldiers to behave well, as it could be, were the clause now offered made part of this bill; for when once they have got an halbert, they are now sure of keeping it as long as they perform their duty; and surely, no gentleman will desire that they should hold it any longer. But if this clause should be passed into a law, I am afraid it would have one of these two bad effects: the staff-officers would trust so much to this security, that they would behave negligently; and if courts-martial acted with rigour, more of them would be cashiered or reduced, than ever were so by our colonels: on the other hand, if courts-martial did not act with rigour, and never punished one, unless he was guilty of some heinous crime or egregious neglect, the posts of serjeant or corporal would become a sort of civil employment, and would, I fear, be too often sold to the highest bidder; which would in a short time render our army little better than a common militia.

As to the danger which officers under the rank of a colonel may be exposed to, by staff-officers bearing false witness against them, at the instigation of their colonel, it appears to me to be altogether imaginary; for the danger of suborning witnesses to give false evidence is so great, that no colonel, nor any one for him, would ever attempt it; and should he attempt it, and succeed so far as to find two or three men abandoned enough to undertake it, by being examined apart, and artfully cross-questioned, the falshood of their evidence would probably be detected, and they punished for their perjury; which could hardly fail of bringing on a discovery, or at least a strong suspicion of the subornation; and no colonel under such a suspicion could expect to hold a commission in the army, as it is, and I hope will always be, in the king's power to dismiss such a colonel from the service; for the officers of the army, as Cæsar said of his wife, should be not only innocent, but free from suspicion.

Then, sir, as to what the hon. gentleman observed about the end of punishment, he should consider, that reducing a serjeant or corporal to a private centinel is not properly a punishment, but the removing a man from a post which experience has shewn him not to be fit for; and that experience must be known to the whole regiment, as well as to the colonel of the regiment, or the captain of the company he belongs to. Should a serjeant or corporal be guilty of any crime, or of any criminal neglect of duty, the colonel would not certainly content himself with removing him, but would order him to be tried by a regimental court-martial; in which case the offence would be proved, and the punishment would be an example; but when no such criminal matter is alledged against him, when nothing is alledged but only a natural stupidity, or a natural want of understanding, which renders him unfit for any rank in the army above that of a common soldier, there is no occasion for any proof, or for any punishment by way of example.

To conclude, sir, the power which the colonel has over the staff-officers, has subsisted for above sixty years, without any complaint of abuse; and as no one can know what may be the effect of abolishing it, I hope the hon. gentleman will excuse me, for denying my approbation of the clause he has been pleased to offer.

EARL OF EGMONT.

The following is a Part of his Speech on the Bill for the Naturalization of the Jews.

Sir,

"It is easy to be perceived, in almost every step that we have taken during this whole parliament, that we think ourselves wiser than all our ancestors for seven hundred years before us: for our business has constantly been to unravel all, that, in respect to law and liberty, religion and commerce, they had established as the proper rule of government for this nation. We ridicule the narrow notions of our forefathers, and we applaud our own open and extensive understandings—which is carried to that ridiculous excess, that if a man talks of *magna charta*, or the petition of rights, or of any of the fundamental constitutions of the kingdom, he is sneered and laughed at. If he talks of caution in admitting and countenancing every enthusiastic sect, he is a jacobite or a tory. If he talks against the hasty laying open of any branch of commerce, which from circumstances may stand upon a different footing from the rest—he is a man of little narrow principles, and trade is to be opened, though the plague were to be brought with it, or the conditions for that opening were to have slavery annexed. From the same conceit, from the same rage for novelty, and unlimited pursuit of general

principles, when you talk of naturalization, no circumstances of our situation, in regard to the royal family now upon the throne, or to the jealousies of the people, are to be at all considered: no regard is had to the state of the laws actually now in being in Ireland, or the plantations, where any man may acquire this privilege for half a crown; to the facility with which all who apply to the legislature for it, may obtain it here; to the general indulgence and protection of all those who come among us, though not naturalized, and exercise any art or manufacture; nor any reflection made how far these circumstances already answer every reasonable purpose of this kind. But general naturalization, without exception, is the word: naturalize all, rich and poor, Jews, Turks, infidels, and heretics, be they who they will, or what they will, or where they will; do it without any check or control; do it without a power of remedy, let the consequences turn out ever so much counter to what you may expect.

Sir, it is not common sense, but downright madness, to follow general principles in this wild manner, without limitation or reserve; and give me leave to say one thing, which I hope will be long remembered, and well thought upon by all those who hear me—that those gentlemen who plume themselves thus upon their open and extensive understandings, are in fact the men of the narrowest principles in the kingdom. For what is a narrow mind? It is a mind that sees any proposition in one single contracted point of view, unable to complicate any subject with the circumstances and considerations that are, or may, or ought to be combined with it. And pray, what is that understanding which looks upon naturalization only in this general view, that naturalization is an increase of the people, and the increase of the people is the riches of the nation? Never admitting the least reflection, what the people are whom you let in upon us; how, in the present bad regulation of our police, they are to be employed or maintained; how their principles, opinions, or practice may influence the reli-

gion or politics of the state, or what operation their admission may have upon the peace and tranquillity of the country: is not such a genius equally contemptible and narrow with that of the poorest mortal upon earth, who grovels for his whole life within the verge of the opposite extreme?*

Sir, this leads me to the last argument which I shall urge against this bill, and it is not the least important. This bill is a step to a general naturalization, which was very daringly attempted, but happily defeated, not above two years ago. The same spirit now animates those who moved you then to attempt that hateful measure. They dare not openly avow the same design, but they artfully endeavour to bring it about again by this means, knowing full well how strong this argument must be hereafter, when you have passed this bill: What! will you, who have consented to naturalize even the Jews, boggle at allowing the same privilege to foreign protestants, professing the Christian religion as you do yourselves? But the nation, sir, will see through this design, and by some means or other, I am confident, will defeat it now, as they did then.

I conclude what I have been lead to say upon naturalization in general, and upon this naturalization of the Jews in particular, with this common proverb: that there is no rule without an exception; and that if ever there should be an exception to any general principle, it ought surely to be in the case of the naturalization of that people, the very essence of whose character and religion consists in their abhorrence of Christianity, and rancour to the whole Christian race.

* This passage discovers more real depth of thought than any thing else I have met with in the course of these debates. There may be observations of equal value in Burke, but there is no single observation in any part of his works more profound, original, acute, and comprehensive: it may indeed be said to contain the germ of all his political reasoning. (See his French Revolution, &c.) In this speech we find the first denunciation of the intrusion of abstract theorems and metaphysical generalities into the science of politics.

LORD LYTTLETON.

His Speech on the Repeal of the Act called the Jew Bill.

Mr. Speaker,

I SEE no occasion to enter at present into the merits of the bill we passed the last session for the naturalization of Jews; because I am convinced, that, in the present temper of the nation, not a single foreign Jew will think it expedient to take any benefit of that act; and, therefore, the repealing of it is giving up nothing. I assented to it last year in hopes it might induce some wealthy Jews to come and settle among us. In that light I saw enough of utility in it, to make me incline rather to approve than dislike it; but that any man alive could be zealous either for or against it, I confess I had no idea. What affects our religion is indeed of the highest and most serious importance. God forbid we should be ever indifferent about that! but I thought this had no more to do with religion than any turnpike act we passed in that session; and, after all the divinity that has been preached on the subject, I think so still.

Resolution and steadiness are excellent qualities; but it is the application of them upon which their value depends. A wise government, Mr. Speaker, will know where to yield, as well as where to resist; and there is no surer mark of littleness of mind in administration, than obstinacy in trifles. Public wisdom on some occasions must condescend to give way to popular folly, especially in a free country, where the humour of the people must be considered as attentively as the humour of a

king in an absolute monarchy. Under both forms of government, a prudent and honest ministry will indulge a small folly, and will resist a great one. Not to vouchsafe now and then a kind indulgence to the former, would discover an ignorance of human nature; not to resist the latter at all times, would be meanness and servility.

Sir, I look on the bill we are at present debating, not as a sacrifice made to popularity (for it sacrifices nothing,) but as a prudent regard to some consequences arising from the nature of the clamour raised against the late act for naturalizing Jews, which seem to require a particular consideration.

It has been hitherto the rare and envied felicity of his majesty's reign, that his subjects have enjoyed such a settled tranquillity, such a freedom from angry religious disputes, as is not to be paralleled in any former times. The true christian spirit of moderation, of charity, of universal benevolence, has prevailed in the people, has prevailed in the clergy of all ranks and degrees, instead of those narrow principles, those bigotted prejudices, that furious, that implacable, that ignorant zeal, which had often done so much hurt both to the church and the state. But from the ill-understood, insignificant act of parliament you are now moved to repeal, occasion has been taken to deprive us of this inestimable advantage. It is a pretence to disturb the peace of the church, to infuse idle fears into the minds of the people, and make religion itself an engine of sedition. It behoves the piety as well as the wisdom of parliament, to disappoint these endeavours. Sir, the very worst mischief that can be done to religion, is to pervert it to the purposes of faction. Heaven and hell are not more distant, than the benevolent spirit of the gospel and the malignant spirit of party. The most impious wars ever made were those called Holy Wars. He who hates another men for not being a Christian is himself not a Christian. Christianity, sir, breathes love and peace and goodwill to man,

A temper conformable to the dictates of that holy religion has lately distinguished this nation; and a glorious distinction it was! but there is latent at all times, in the minds of the vulgar, a spark of enthusiasm; which, if blown by the breath of party, may, even when it seems quite extinguished, be suddenly revived and raised to a flame. The act of last session, for naturalizing Jews, has very unexpectedly administered fuel to feed that flame. To what a height it may rise if it should continue much longer, one cannot easily tell; but take away the fuel and it will die of itself.

It is the misfortune of all the Roman Catholic countries, that there the church and the state, the civil power and the hierarchy, have separate interests, and are continually at variance one with the other. It is our happiness, that here they form but one system. While this harmony lasts, whatever hurts the church, hurts the state; whatever weakens the credit of the governors of the church, takes away from the civil power a part of its strength, and shakes the whole constitution.

Sir, I trust and believe, that, by speedily passing this bill, we shall silence that obloquy, which has so unjustly been cast upon our reverend prelates (some of the most respectable that ever adorned our church,) for the part they took in the act which this repeals. And it greatly concerns the whole community, that they should not lose that respect, which is so justly due to them, by popular clamour, kept up in opposition to a matter of no importance in itself. But if the departing from that measure should not remove the prejudice so maliciously raised, I am certain, that no farther step you can take will be able to remove it; and therefore I hope you will stop here. This appears to be a reasonable and safe condescension, by which nobody will be hurt; but all beyond this would be dangerous weakness in government. It might open a door to the wildest enthusiasm, and to the most mischievous attacks of political disaffection working upon that enthusiasm. If you encourage and

authorize it to fall on the synagogue, it will go thence to the meeting-house, and in the end to the palace. But let us be careful to check its further progress. The more zealous we are to support christianity, the more vigilant should we be in maintaining toleration. If we bring back persecution, we bring back the antichristian spirit of popery: and when the spirit is here, the whole system will soon follow. Toleration is the basis of all public quiet. It is a character of freedom given to the mind, more valuable, I think, than that which secures our persons and estates. Indeed they are inseparably connected together; for where the mind is not free, where the conscience is enthralled, there is no freedom. Spiritual tyranny puts on the galling chains; but civil tyranny is called in to rivet and fix them. We see it in Spain, and many other countries; we have formerly both seen and felt it in England. By the blessing of God, we are now delivered from all kinds of oppression. Let us take care that they may never return.

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